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सं० 36] नई दिल्ली, अगस्त 28—सितम्बर 3, 2005, शनिवार/भाद्र 6—भाद्र 12, 1927
No. 36] NEW DELHI, AUGUST 28—SEPTEMBER 3, 2005, SATURDAY/BHADRA 6—BHADRA 12, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 12 अगस्त, 2005

स्टाम्प

का० आ० 3093.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (i) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा आन्ध्र बैंक, हैदराबाद को मात्र बीस लाख रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र दो सौ करोड़ रुपये के समग्र मूल्य के प्रत्येक दस-दस लाख रुपये के असुरक्षित, गैर-परिवर्तनीय विमोक्ष्य गौण ऋण बन्धपत्रों (ई श्रृंखला-पांचवाँ निर्गम) पर स्टाम्प शुल्क के कारण प्रभाव्य है।

[सं. 27/2005-स्टाम्प/फा. सं. 33/4/2005-बि.क.]

आर. जी. छाबड़ा, अवर सचिव

2498 GI/2005

(9751)

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 12th August, 2005

STAMPS

S.O. 3093.— In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Andhra Bank, Hyderabad to pay consolidated stamp duty of rupees twenty lakh only on account of the stamp duty on Unsecured Non-Convertible Redeemable Subordinated Debt Bonds ('E' Series—Fifth Issue) of rupees ten lakh each aggregating to rupees two hundred crore only, to be issued by the said Bank.

[No. 27/2005-STAMP/F. No. 33/4/2005-ST]

R. G. CHHABRA, Under Secy.

केन्द्रीय आयकर बोर्ड

नई दिल्ली, 17 अगस्त, 2005

(आयकर)

क्र.आ. 3094.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "विक्टोरिया टेकनिकल इंस्टीट्यूट, 765, अन्ना सालै, चेन्नई-600002" को कर-निर्धारण वर्ष 2002-2003 से 2004-2005 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उनका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पतियाँ धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 191/2005/फा. सं. 197/29/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 17th August, 2005

(INCOME TAX)

S.O. 3094.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Victoria Technical Institute, 765, Anna Salai, Chennai-600002" for the purpose of the said sub-clause for the assessment year 2002-2003 to 2004-2005 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained

in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
 - (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
 - (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation.
- [Notification No. 191/2005/F. No. 197/29/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 17 अगस्त, 2005

(आयकर)

क्र.आ. 3095.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा "इंडियन मर्चेन्ट्स चैम्बर, मुम्बई" को कर-निर्धारण वर्ष 1998-1999 से 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उनका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पतियाँ धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 192/2005/फा.सं. 197/25/2002-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 17th August, 2005

(INCOME TAX)

S.O. 3095.— In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Inidan Merchants Chamber, Mumbai" for the purpose of the said sub-clause for the assessment year 1998-1999 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation.

[Notification No. 192/2005/F. No. 197/25/2002-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 18 अगस्त, 2005

(आयकर)

का.आ. 3096.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ 'विश्वविद्यालय' की श्रेणी के अन्तर्गत दिनांक 1-4-2004 से दिनांक 31-3-2007 तक की अवधि के लिए बनारस हिन्दू यूनिवर्सिटी, वाराणसी-221005 (उत्तर प्रदेश), जो अंशतः अनुसंधान कार्य-कलापों में कार्यरत है, (और न कि अनुसंधान के लिए एकमात्र मौजूद 'वैज्ञानिक अनुसंधान संघ' के रूप में है), को निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक

प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदित प्रदान किया गया है।

(iii) यह संगठन उपर्युक्त पैरा (ii) में सन्दर्भित आय एवं व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण-पत्र भी संलग्न करेगा :—

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उपधारा (1) खंड (ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 193/2005/फा.सं. 203/58/2004-आयकर नि.-II]

निधि सिंह, अवर सचिव

New Delhi, the 18th August, 2005

(INCOME TAX)

S.O. 3096.—It is hereby notified for general information that the organization Banaras Hindu University, Varanasi-221 005 (Uttar Pradesh) has been approved by the Central Government for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961, read with rule 6 of the Income Tax Rules, 1962 for the period from 1-4-2004 to 31-3-2007 under the category, University, partly engaged in research activities (and not as a 'scientific research association' existing solely for research) subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which the approval is being given, the approved organization shall submit a copy of its audited Income and Expenditure account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of Income Tax Act, 1961 to the Commissioner of Income-tax or Director of Income-tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The approved organization shall also enclose with the Income and Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—
 - (a) specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35

- (b) certifying that the expenditure incurred was for scientific research.

[Notification No. 193/2005/F. No. 203/58/2004-ITA-II]

NIDHI SINGH, Under Secy.

नई दिल्ली, 18 अगस्त, 2005

(आयकर)

का.आ. 3097.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ 'विश्वविद्यालय कॉलेज अथवा अन्य संस्था' की श्रेणी के अन्तर्गत दिनांक 1-4-2003 से दिनांक 31-3-2006 तक की अवधि के लिए दि वॉलेंटरी हेल्थ सर्विसेस, टी.टी.टी.आई. पोस्ट, (एड्यार), चेन्नई-600113, जो अंशतः अनुसंधान कार्य-कलापों में कार्यरत है, (और न कि अनुसंधान के लिए एक मात्र मौजूद 'वैज्ञानिक अनुसंधान संघ' के रूप में है), को निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयुक्त/आयकर निदेशक (छूट) को आय कर विवरण दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदित प्रदान किया गया है।
- (iii) यह संगठन उपर्युक्त पैरा (ii) में सार्वजनिक आय एवं व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण-पत्र भी संलग्न करेगा :—
 - (क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उपधारा (1) खंड (ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।
 - (ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 194/2005/फा.सं. 203/44/2004-आयकर वि.-II]

निधि सिंह, अवर सचिव

New Delhi, the 18th August, 2005

(INCOME TAX)

S.O. 3097.—It is hereby notified for general information that the organization **The Voluntary Health Services, T.T.T.I. Post (Adyar), Chennai-600113** has been approved by the Central Government for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961, read with rule 6 of the Income Tax Rules, 1962 for the period from 1-4-2003 to 31-3-2006 under the

category 'University, College or other Institution', partly engaged in research activities (and not as a 'scientific research association' existing solely for research) subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which the approval is being given, the approved organization shall submit a copy of its audited Income and Expenditure account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of Income Tax Act, 1961 to the Commissioner of Income-tax or Director of Income-tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The approved organization shall also enclose with the Income and Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—
 - (a) specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.
 - (b) certifying that the expenditure incurred was for scientific research.

[Notification No. 194/2005/F. No. 203/44/2004-ITA-III]

NIDHI SINGH, Under Secy.

नई दिल्ली, 22 अगस्त, 2005

(आयकर)

का.आ. 3098.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ 'विश्वविद्यालय कॉलेज अथवा अन्य संस्था' की श्रेणी के अन्तर्गत दिनांक 1-4-2001 से दिनांक 31-3-2004 तक की अवधि के लिए हिमालयन संस्थान अस्पताल न्यास, जॉली ग्रान्ट देहरादून-248140 जो अंशतः अनुसंधान कार्य-कलापों में कार्यरत है, (और न कि अनुसंधान के लिए एक मात्र मौजूद 'वैज्ञानिक अनुसंधान संघ' के रूप में है), को निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयुक्त अथवा आयकर निदेशक (छूट) को आय कर विवरण दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा,

जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदित प्रदान किया गया है।

(iii) यह संगठन उपर्युक्त पैरा (ii) में सदर्भित आय एवं व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण पत्र भी संलग्न करेगा :—

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उपधारा (1) खंड (ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 195/2005/फ.सं. 203/15/2005-आयकर नि.-II]

दीपक गर्ग, अवर सचिव

New Delhi, the 22nd August, 2005

(INCOME TAX)

S.O. 3098.—It is hereby notified for general information that the organization **Himalayan Institute Hospital Trust, Jolly Grant, Dehradun-248140 (Uttanchal)** has been approved by the Central Government for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with rule 6 of the Income-tax Rules, 1962 for the period from 1-4-2001 to 31-3-2004 under the category, 'university, College or other institution', partly engaged in research activities (and not as a 'scientific research association' existing solely for research) subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which the approval is being given, the approved organization shall submit a copy of its audited Income and Expenditure account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of Income-tax Act, 1961 to the Commissioner of Income-tax or Director of Income-tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The approved organization shall also enclose with the Income and Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—
 - (a) specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35;
 - (b) certifying that the expenditure incurred was for scientific research.

[Notification No. 195/2005/F. No. 203/15/2005-ITA-II]

DEEPAK GARG, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 25 अगस्त, 2005

का.आ. 3099.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, संलग्न अनुबंध में निम्नलिखित बैंकों/वित्तीय संस्थाओं के सूचीबद्ध कार्यालयों/शाखाओं को, जिनके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

क्रम. सं.	बैंक का नाम	कार्यालयों/शाखाओं की संख्या
1.	स्टेट बैंक ऑफ बीकानेर एंड जयपुर	01
2.	भारती स्टेट बैंक	10
3.	युनाइटेड बैंक ऑफ इंडिया	01
4.	यूनियन बैंक आफ इंडिया	25
5.	केनरा बैंक	83
	कुल	120

[फा. सं. 11016/7/2005-हिन्दी]

रमेशबाबू अणियेरी, संयुक्त निदेशक (राजभाषा)

स्टेट बैंक ऑफ बीकानेर एंड जयपुर

1. सीमलवाड़ा

पता :

सीमलवाड़ा

जिला—बांसवाड़ा

(राजस्थान)

भारतीय स्टेट बैंक

1. भारतीय स्टेट बैंक,
गंगा नगर,
मेरठ-250002
2. भारतीय स्टेट बैंक,
कंकरखेड़ा,
मेरठ-250001
3. भारतीय स्टेट बैंक,
वाणिज्यिक शाखा,
मेरठ-250001
4. भारतीय स्टेट बैंक,
वर्द्धमान एकेडेमी,
मेरठ-250002
5. भारतीय स्टेट बैंक,
राजेन्द्रनगर,
साहिबाबाद,
जिला—गाजियाबाद-201005

6. भारतीय स्टेट बैंक,
एन.ई.पी. जैड,
फैज-II, नोएडा,
जिला-गौतमबुद्ध नगर-201305

7. भारतीय स्टेट बैंक,
वाणिज्यिक शाखा,
सेक्टर-18, नोएडा,
जिला-गौतमबुद्धनगर-201305

8. भारतीय स्टेट बैंक,
गढमुक्तेश्वर,
जिला-गाजियाबाद-245402

9. भारतीय स्टेट बैंक,
एम.आई.सी.आर., चैक प्रोसेसिंग केन्द्र,
4-कान्वेन्ट रोड,
देहरादून- (उत्तरांचल)
पिन-248001

10. भारतीय स्टेट बैंक,
महाबलेश्वर शाखा,
जिला-सातारा,
महाराष्ट्र-412 806

यूनाइटेड बैंक ऑफ इंडिया

1. युनाइटेड बैंक ऑफ इंडिया,
प्रधान कार्यालय,
11, हेमंत बसु सरणी,
कोलकाता-700001

यूनियन बैंक ऑफ इंडिया

1. यूनियन बैंक ऑफ इंडिया,
शंकर विहार शाखा,
2-3, शंकर विहार शापिंग कॉम्प्लेक्स,
शंकर विहार,
नई दिल्ली-110010

2. यूनियन बैंक ऑफ इंडिया,
द्वाराका शाखा,
प्लॉट नं. 13, बंसल प्लाजा,
द्वाराका, सेक्टर-6,
नई दिल्ली-110045

3. यूनियन बैंक ऑफ इंडिया,
अर्मापुर शाखा,
अर्मापुर आडिनेन्स फैक्टरी,
अर्मापुर, कानपुर-208009

4. यूनियन बैंक ऑफ इंडिया,
प्रीतम नगर शाखा,
बाल मित्र जू. हाई स्कूल,
धूमन गंज,
इलाहाबाद-211004

5. यूनियन बैंक ऑफ इंडिया,
रेड ईगल आर्मी हेडक्वार्टर शाखा,
स्टेनली रोड, पोस्ट कैवेलटी लाइन्स,
इलाहाबाद-211004

6. यूनियन बैंक ऑफ इंडिया,
कृष्णा नगर शाखा,
जमुना देवी बालिका विद्यालय,
कृष्णा नगर, कानपुर-208007

7. यूनियन बैंक ऑफ इंडिया,
आगरा विकास प्राधिकरण शाखा,
जयपुर हाऊस,
आगरा-282010

8. यूनियन बैंक ऑफ इंडिया,
बी.आर.बी. कॉलेज शाखा,
मोहनपुर रोड, समस्तीपुर,
जिला-समस्तीपुर,
बिहार-848101

9. यूनियन बैंक ऑफ इंडिया,
बहादुरपुर हाऊसिंग कॉलोनी शाखा,
भूतनाथ रोड, कमला मार्केट,
कंकडबाग, पटना-800020

10. यूनियन बैंक ऑफ इंडिया,
कटिहार शाखा,
विनोदपुर रोड, कटिहार,
बिहार-854105

11. यूनियन बैंक ऑफ इंडिया,
पौड़ी शाखा,
श्रीनगर रोड, पौड़ी,
उत्तरांचल,
पिन कोड-246001

12. यूनियन बैंक ऑफ इंडिया,
नोडल क्षेत्रीय कार्यालय, कोलकाता,
चित्रकूट बिल्डिंग, तीसरा तल,
230ए, आ.ज. चन्द्र बोस रोड,
कोलकाता-700 020

13. यूनियन बैंक ऑफ इंडिया,
विक्रमशिला ज्ञान मंदिर,
सरोजनी नगर शाखा,
कानपुर रोड, लखनऊ-226008
उत्तर प्रदेश

14. यूनियन बैंक ऑफ इंडिया,
खुरदा शाखा, सिविल कोर्ट के सामने,
मेन रोड, खुरदा-752 055
ओडिशा

15. यूनिन बैंक ऑफ इंडिया,
केउंझर शाखा,
जगन्नाथ मार्केट कॉम्प्लेक्स,
गांधी चौक के पास,
केउंझर-758 001
ओडिशा
16. यूनिन बैंक ऑफ इंडिया,
अकबरपुर शाखा,
अब्दुल्लापुर दोस्तपुर रोड,
(नेशनल हार्डवेयर एंव सेनेटरी सेंटर के पास),
शहजादपुर, अकबरपुर,
जिला अंबेडकरनगर-224122
17. यूनिन बैंक ऑफ इंडिया,
धार शाखा,
2, त्रिमूर्ति नगर,
धार, मध्य प्रदेश-454001
18. यूनिन बैंक ऑफ इंडिया,
अन्तुपूर्णा शाखा,
726, उषानगर एक्सटेंशन,
बजाज टॉवर अन्तुपूर्णा रोड,
इंदौर, मध्य प्रदेश-452009
19. यूनिन बैंक ऑफ इंडिया,
श्रीनिवासम् कॉम्प्लेक्स शाखा,
तिरुपति-517 501,
जिला चित्तूर, (आन्ध्र प्रदेश)
20. यूनिन बैंक ऑफ इंडिया,
बोडकदेव शाखा,
यूजी-6, गॅलॅक्सी कॉम्प्लेक्स,
ग्रैंड भगवती होटल के पीछे,
बोडकदेव, अहमदाबाद-380 054
21. यूनिन बैंक ऑफ इंडिया,
अन्नदा कॉलेज शाखा,
अन्नदा चौक, कचहरी रोड,
हजारीबाग, (झारखण्ड)
पिन-825301
22. यूनिन बैंक ऑफ इंडिया,
बीएस सिटी कॉलेज शाखा,
सेक्टर-VI, सेन्टर मार्केट,
बोकारो स्टील सिटी, बोकारो (झारखण्ड)
पिन-827006
23. यूनिन बैंक ऑफ इंडिया,
मनमाड शाखा,
दुर्गा कॉम्प्लेक्स,
पहली मंजिल, आजाद रोड,

मनमाड-423 104

जिला : नासिक, महाराष्ट्र

24. यूनिन बैंक ऑफ इंडिया,
सेवा शाखा,
विशाखापट्टणम,
डोर नं. 10-50, 14/3(3), प्रथम तल,
वाल्टेयर मेन रोड,
विशाखापट्टणम-03, आन्ध्र प्रदेश
25. यूनिन बैंक ऑफ इंडिया,
सिरिपुरम शाखा, विशाखापट्टणम,
डोर नं. 10-50, 14/3(3), प्रथम तल,
वाल्टेयर मेन रोड,
विशाखापट्टणम-03, आन्ध्र प्रदेश

केनरा बैंक

1. केनरा बैंक,
नन्दयाल शाखा,
25/516ए, श्रीनिवासनगर,
कर्नूल जिला, नन्दयाल-518 501
आंध्र प्रदेश, कर्नूल
2. केनरा बैंक,
पैलकुर्ति शाखा,
काटामुरू मंडल,
पैलकुर्ति-518 464
आन्ध्र प्रदेश, कर्नूल
3. केनरा बैंक,
वर्कूर शाखा,
वर्कूर-518 643
आन्ध्र प्रदेश, कर्नूल
4. केनरा बैंक,
आकुलवारिघानापुर शाखा,
एच सं. 12/176, सिनेमा थियेटर के पीछे,
पोस्ट एटूरुनगरम,
अकुलवारिघानापुर-506 165
आन्ध्र प्रदेश, वारंगल
5. केनरा बैंक,
गुडिवाडा शाखा,
एनटीआर स्टेडियम कॉम्प्लेक्स,
गुडिवाडा-521 301
आन्ध्र प्रदेश, कृष्णा
6. केनरा बैंक,
मसाई पेट शाखा,
1-44, नेशनल हाईवे-7
मसाईपेट-502 335
आंध्र प्रदेश, मेडक

7. केनरा बैंक,
शिवाजीनगर शाखा,
एस सं. 10/1/64-63-65
शिवाजीनगर,
निजामाबाद-503 001
आंध्र प्रदेश, निजामाबाद
8. केनरा बैंक,
पोचम्पल्ली शाखा,
एच सं. 5-31, पोचम्पल्ली-508 284
आंध्र प्रदेश, नल्गोंडा
9. केनरा बैंक,
नारयणपेट शाखा,
1-1-5, हाई स्कूल रोड,
चौरास्ता बाजार,
नारयणपेट-509 210
आंध्र प्रदेश, महबूबनगर
10. केनरा बैंक,
तिरूमला शाखा,
एस एम सी 257 ए एंड बी,
तिरूमला हिल्स,
तिरूमला-517 504
11. केनरा बैंक,
चन्द्रमौलीनगर, गुंटूर शाखा,
मयूरी होम्स,
चन्द्रमौलीनगर, रिंग रोड,
गुंटूर-522 007
12. केनरा बैंक,
बापट्ला शाखा,
रेलवे स्टेशन के पास,
बापट्ला-522 101
आंध्र प्रदेश, गुंटूर
13. केनरा बैंक,
वेणुगोपालनगर शाखा,
श्रीनिवास कॉम्प्लेक्स,
मेन रोड, वेणुगोपालनगर,
गुंटूर-4
14. केनरा बैंक,
नागुलुवरम शाखा
पेडकंकर्ला से
नागुलुवरम-522 649
आंध्र प्रदेश, गुंटूर
15. केनरा बैंक
पेदकाकानि शाखा,
नागलक्ष्मी बिल्डिंग
जंक्शन के पास, मेन रोड
पेदकाकानि-522 509
आंध्र प्रदेश, गुंटूर
16. केनरा बैंक
सूर्यापेट शाखा
1-4-81, अलंकार टाकीज रोड
सूर्यापेट-508 214
आंध्र प्रदेश, नल्गोंडा
17. केनरा बैंक
ए आर एम शाखा
5-9-22/1/4 सी एण्ड 4 डी
दमयंती चेंबर्स
आदर्श नगर
हैदराबाद
18. केनरा बैंक
गुंटूर मुख्य शाखा
पी बी 136, हिन्दू कालेज
हाई स्कूल कैपस
गांधी पार्क के सामने
गुंटूर-522 003
19. केनरा बैंक
एचएसई शाखा
डी नं. 3-6-275,
एचएसई बिल्डिंग
हैदराबाद
20. केनरा बैंक
एस आर नगर शाखा
51/3 आरटी, पहली मंजिल
मेन रोड, संजीव रेड्डी नगर
हैदराबाद-500 038
21. केनरा बैंक
बेलगाल शाखा
मेन रोड
बेलगाल-518 462
22. केनरा बैंक
धर्मावरम शाखा
मंजू कॉम्प्लेक्स
धर्मावरम-515 671
आंध्र प्रदेश-अनंतपुर
23. केनरा बैंक
केशमपेट शाखा
मंडल डेवलपमेंट कार्यालय के पास
4-47, केशमपेट-509 408
आंध्र प्रदेश, महबूबनगर

24. केनरा बैंक
दाबागार्डन शाखा
30-15-160, बार्ड सं 17
मेन रोड, दाबागार्डन
विशाखपट्टणम
25. केनरा बैंक
पुट्टपती शाखा
पुलिस स्टेशन के सामने
प्रशांति निलयम
पुट्टपती-515 134
26. केनरा बैंक
सैदाबाद कॉलोनी शाखा
एच सं 17-1-391/टी/223/ए
सरस्वतीनगर कमान के पास
सैदाबाद कालोनी
हैदराबाद-500 059
27. केनरा बैंक
पुल्मामिडि शाखा
नेहरू मेमोरियल यूथ क्लब बिल्डिंग
नवाबपेट से
पुल्मामिडि-501 112
आर आर जिला, आंध्र प्रदेश
28. केनरा बैंक
चीराला शाखा,
दरबार मेन रोड
चीराला-523 155
आंध्र प्रदेश, प्रकाशम
29. केनरा बैंक
एच खैरावडी शाखा
गनेगंडला मंडल, एच खैरावडी-518 463
आंध्र प्रदेश, कर्नूल
30. केनरा बैंक
कुप्पम शाखा
14-66/1, बी आर आर कॉम्प्लेक्स
आर के रोड,
एमपीपी कार्यालय के सामने
कुप्पम-517 425
आंध्र प्रदेश, चित्तूर
31. केनरा बैंक
पहली मंजिल
शिरडीनगर पंचायत
शॉपिंग कॉम्प्लेक्स नं. 2
नगर मनमाड रोड
शिरडी-423 109
32. केनरा बैंक
न्यू ओखला इंडस्ट्रीयल एरिया
सेक्टर-6, नोएडा
उ प्र
33. केनरा बैंक
एस-2, गामा शॉपिंग कॉम्प्लेक्स
ग्रेटर नोएडा
उ प्र
34. केनरा बैंक
कचहरी रोड
रफीनगर
राय बरेली
उ प्र
35. केनरा बैंक
स्टेशन रोड
गोण्डा-271 002
जिला गोण्डा
उ प्र
36. केनरा बैंक
465, मोती नगर
उन्नाव-209 801
उ प्र
37. केनरा बैंक
सूरज भान विद्या भारती
राजेन्द्र नगर
बरेली-243 122
उ प्र
38. केनरा बैंक
खीरनी बाग
शाहजहांपुर-242 001
उ प्र
39. केनरा बैंक
मुद्रा तिजोरी
नं. 3, काल्विन रोड
इलाहाबाद
उ प्र
40. केनरा बैंक
एम आई डी सी अंधेरी (पूर्व)
आकृति ट्रेड सेंटर,
ऑफिस यूनिट नं 3
ग्राउंड फ्लोर,
रोड नं 7, मरोल
एम आई डी सी अंधेरी (पूर्व)
मुंबई-400 093
महाराष्ट्र

41. केनरा बैंक
एस एस बी दहिसर (प) शाखा
कृष्ण कुंज,
ग्राउंड फ्लोर
लोकमान्य तिलक रोड
दहिसर (प), मुंबई-400 068
महाराष्ट्र
42. केनरा बैंक
पहली मंजिल
बंसल प्लाजा बी विंग
गांधी चौक, मेन रोड
सावंतवाडी-416 510
महाराष्ट्र
43. केनरा बैंक
ऑर्डिनेंस एस्टेट
ऑर्डिनेंस फ्लैटरी
अंबरनाथ (प)-421 502
महाराष्ट्र
44. केनरा बैंक
प्लॉट नं 1, शांतिनिकेतन
सीएचएस, राणा प्रताप नगर पोस्ट ऑफिस के नजदीक
रिंग रोड, खामला
नागपुर-440 022
महाराष्ट्र
45. केनरा बैंक
एमएसएफसी बिल्डिंग
एमएसएफसी शाखा
सेनापति बापट रोड
पुणे-411 016
महाराष्ट्र
46. केनरा बैंक
प्लॉट नं 1
मधुकुंज को-ऑपरेटिव हाउसिंग सोसायटी
पंचवटी,
पुणे-411 008
महाराष्ट्र
47. केनरा बैंक
ई-9, गणपति प्लाजा शॉपिंग कॉम्प्लेक्स
फूल बाग, भिवाडी
अलवर रोड
राजस्थान
48. केनरा बैंक
मंकज ग्राँड प्लाजा
मयूर विहार, फेज-1
नई दिल्ली-110 092
49. केनरा बैंक
सी-10, 11 कम्युनिटी सेन्टर
न्यू फ्रेंड्स कॉलोनी
नई दिल्ली
50. केनरा बैंक
11, मानव आश्रय
वसुन्धरा एम्बलेव
औद्योगिक क्षेत्र
दिल्ली-110 096
51. केनरा बैंक
क्षेत्रीय कार्यालय
पहली मंजिल,
महेश्वरी मानशन
तामरकुलम, कोल्लम
केरल, कोल्लम
52. केनरा बैंक
टी सी 31/586
कांजिराविलाकम मंदिर के पास
बीछ रोड, पेट्टा पी ओ
तिरुवनंतपुरम, केरल
53. केनरा बैंक
के पी III/128ई, "साजूज्यम"
एन एच बाई पास जंक्शन
कषक्कूट्टम, तिरुवनंतपुरम
केरल, तिरुवनंतपुरम
54. केनरा बैंक
9/102, बेट्टुक्कल
एरिक्काड, पुतुप्पल्ली पी ओ
कोट्टयम, केरल
55. केनरा बैंक
XVII/1027, 1028, 1029
पोलिमेल टावर्स
आटिंगले-695 101
केरल, तिरुवनंतपुरम
56. केनरा बैंक
उदयगिरि कॉम्प्लेक्स
कडप्पाक्काडा
कोल्लम-691 008
केरल, कोल्लम
57. केनरा बैंक
महिला बैंकिंग शाखा
टी सी नं. 2/2464
पट्टम एन एच रोड
पट्टम, तिरुवनंतपुरम-695 004
केरल, तिरुवनंतपुरम

58. केनरा बैंक
होली फामिली चर्च
फोरन्स चर्च शापिंग केन्द्र
पी पी रोड, पूनकुन्नम
केरल, त्रिच्चुर
59. केनरा बैंक
एम आई सी आर केन्द्र
द्वितीय मंजिल,
स्पेन्सर बिल्डिंग
अंचल कार्यालय अनेक्स
एम जी रोड,
तिरुवनंतपुरम-695 001
60. केनरा बैंक
मुद्रा तिजोरी, 15/439ए
हास्पिटल रोड, केनरा बैंक बिल्डिंग
त्रिप्पूणितुरा-682 301
61. केनरा बैंक
15/614 ए
पेरुमाडन शापिंग कांफ्लेक्स
पाषुविल
केरल, त्रिशूर
62. केनरा बैंक
मेडन रोड
पेरुमपिलावु-680 519
केरल, त्रिशूर
63. केनरा बैंक
प्रिमियर प्रिंटर्स बिल्डिंग
बिल्डिंग नं. 207/XIV
एन एच 47, अलुवा रोड
अंगमाली-683 572
केरल, एरणाकुलम
64. केनरा बैंक
क्षेत्रीय कार्यालय, 31/1003
द्वितीय मंजिल,
अशीस बिल्डिंग
मार्केट रोड, पालक्काड-678 014
केरल, पालक्काड
65. केनरा बैंक
ओपुलपति रोड
वेलंतावट्टम-678 558
केरल, पालक्काड
66. केनरा बैंक
डोर नं 5/3420 एम, पहली मंजिल
कण्णनकन्डी चेंबर्स
आरयेडत्त पालम के पास
मावूर रोड, कोषिकोड-673 004
केरल, कोषिकोड
67. केनरा बैंक
मुद्रा तिजोरी,
मरुदेवी कांफ्लेक्स
गुडाली, कलपेट्टा-673 121
केरल, वयनाड
68. केनरा बैंक
मुद्रा तिजोरी, तिरूर रोड
डाउन हिल, मलप्पुरम-676 519
केरल, मलप्पुरम
69. केनरा बैंक
मुद्रा तिजोरी,
श्री विद्या आरकेड
कोट्टाचेरी, मवंगल रोड
काजंडाड-670 315
केरल, कासरगोड
70. केनरा बैंक
मुद्रा तिजोरी, 18/395
समूहम रोड,
पी बी सं 554
चालप्पुरम, कालीकट-673 002
केरल, कोषिकोड
71. केनरा बैंक
मुद्रा तिजोरी, टी पी IV 582
वलपट्टनम रोड
साऊथ बाजार, कण्णूर-670 002
केरल, कण्णूर
72. केनरा बैंक
अग्रणी बैंक कार्यालय
मरुदेवी कांफ्लेक्स, मुडाली
कलपेट्टा-673 121
केरल, वयनाड
73. केनरा बैंक
अग्रणी बैंक कार्यालय
तिरूर रोड,
डाउन हिल
मलप्पुरम-676 519
केरल, मलप्पुरम
74. केनरा बैंक
अग्रणी बैंक कार्यालय
क्षेत्रीय कार्यालय
18/1067, जेल रोड
कालिकट-673 004
केरल, कोषिकोड

75. केनरा बैंक

कूत्तादुक्कुल्लम
प्राइसन चेंबर्स, एम सी रोड
आईओसी पंप के सामने

कूत्तादुक्कुल्लम
केरल, कूत्तादुक्कुल्लम

76. केनरा बैंक

जे व जे बिल्डिंग
कमरा सं 5759, कुरिशंगल
काजिरपल्ली
केरल, काजिरपल्ली

77. केनरा बैंक

होली फामिली चर्च
फोरेन्स चर्च शॉपिंग केन्द्र
पी पी रोड, पूक्कुनम-686 506
केरल, पूक्कुनम

78. केनरा बैंक

XVII/1309
मुल्लक्कल
आलुप्पुषा-688 010
केरल, आलुप्पुषा

79. केनरा बैंक

मुद्रा तिजोरी, बी जे रोड
आलुप्पुषा-688 010
केरल, आलुप्पुषा

80. केनरा बैंक

अलफोन्स कमर्शियल कॉम्प्लेक्स
मार्केट जंक्शन
कोट्टारक्करा-691 506
केरल, कोट्टारक्करा

81. केनरा बैंक

पी ए सी शॉपिंग कॉम्प्लेक्स
सूर्या रोड
केएसआरटीसी बस स्टाप के पास
नेडुमंगाड-695 541
केरल, नेडुमंगाड

82. केनरा बैंक

टी सी 2/4-1 प्रथम मंजिल
उल्लूर जंक्शन
तिरुवनंतपुरम
केरल, उल्लूर

83. केनरा बैंक

प्रथम मंजिल,
लक्ष्मी चेंबर्स
गणपति कोविल रोड
वधुतक्काड, तिरुवनंतपुरम
केरल, वधुतक्काड

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 25th August, 2005

S.O. 3099.— In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use of Official Purposes of the Union) Rules, 1976 the Central Government, hereby, notifies the listed offices/branches of the following banks/Financial Institution in the attached annexure, more than 80% of the staff whereof have acquired the working knowledge of Hindi :—

Sl. No.	Name of the Banks	Number of Offices/ Branches
1.	State Bank of Bikaner & Jaipur	01
2.	State Bank of India	10
3.	United Bank of India	01
4.	Union Bank of India	25
5.	Canara Bank	83
Total		120

[F. No. 11016/7/2005-Hindi]

REMESH BABU ANIYERY, Jt. Director (OL)

STATE BANK OF BIKANER AND JAIPUR

1. SIMALWARA

Address :
Simalwara
Distt. Banswara
(Rajasthan)

STATE BANK OF INDIA

1. State Bank of India
Ganganager
Meerut-250002

2. State Bank of India
Kankarkhera
Meerut-250001

3. State Bank of India
Commercial Branch
Meerut-250001

4. State Bank of India
Vardhman Academy
Meerut-250002

5. State Bank of India
Rajendranagar
Sahibabad
Distt- Ghaziabad-201005

6. State Bank of India
N.E.P.Z.
Phase-II, NOIDA
Distt.-Gautam Budh Nager-201305.
7. State Bank of India
Commercial Branch
Sector-18, NOIDA
Distt.-Gautam Budh Nager-201305.
8. State Bank of India
Garhmukteshwar
Distt.-Ghaziabad-245402.
9. State Bank of India
MICR Cheque Processing Centre
4-Convent Road
Dehra Dun. (Uttaranchal)
Pin-248001.
10. State Bank of India
Mahabaleshwar Branch,
Distt. Satara,
Maharashtra-412 806.

UNITED BANK OF INDIA

1. United Bank of India,
Head Office
11, Hemanta Basu Sarani
Kolkata-700001.

UNION BANK OF INDIA

1. Union Bank of India
Shankar Vihar Branch
2-3, Shankar Vihar Shopping Complex
Shankar Vihar
Delhi-110010.
2. Union Bank of India
Dwarka Branch
Plot No. 13, Bansal Plaza
Dwarka, Sector-6
New Delhi-110 045
3. Union Bank of India
Armapur Branch
Armapur Ordinance Factory
Armapur-Kanpur-208 009.
4. Union Bank of India
Preetam Nagar Branch
Bal Mitra Jr. High School
Dhoomanganj
Allahabad-211004.
5. Union Bank of India
Red Eagle Army Headquarter Branch
Stanly Road
Post Cavalry Lines
Allahabad-211004.
6. Union Bank of India
Krishna Nagar Branch
Jamuna Devi Balika Vidyalaya
Krishna Nagar
Kanpur-208007.

7. Union Bank of India
Agra Development Authority Branch
Jaipur House
Agra-282010.
8. Union Bank of India
B.R.B. College Branch
Mohampur Road
Samastipur
Distt. Samastipur
Bihar
Pin-848101.
9. Union Bank of India
Bahadurpur Housing Colony Branch
Bhootnath Road
Kamla Market
Kankarbagh, Patna
Pin-800 020.
10. Union Bank of India
Katihar Branch
Binodpur Road
Katihar
Distt. Katihar
Bihar, Pin-854105.
11. Union Bank of India
Pauri Branch
Srinagar Road
Pauri
Uttaranchal
Pin Code-246001.
12. Union Bank of India
Nodal Regional Office
Chitrakoot Building
3rd Floor
230 A, A.J.C. Bose Road
Kolkata-700 020.
13. Union Bank of India
Vikramshila Gyan Mandir
Sarojini Nagar Branch
Kanpur Road
Lucknow-226008
Uttar Pradesh.
14. Union Bank of India
Khurda Branch
Opp. Civil Court
Main Road
Khurda-752 055
Orissa.
15. Union Bank of India
Keonjhar Branch
Jagannath Market Complex
Gandhi Chowk
Keonjhar-758 001
Orissa.

16. Union Bank of India
Akbarpur Branch
Abdullahpur Dostpur Road
(Near National Hardware & Sanitary Centre)
Sahjadpur
Akbarpur
Distt. : Ambedkar Nagar-224122.
17. Union Bank of India
Dhar Branch
2 Trimurti Nagar
Dhar (M.P.)-454 001.
18. Union Bank of India
Annapurna Branch
726 Usha Nagar Extension
Bajaj Tower
Annapurna Road
Indore (M.P.)-452 009.
19. Union Bank of India
Srinivasan Complex Branch
Tirupati 517 501
Distt. Chittoor (Andhra Pradesh).
20. Union Bank of India
Bodakdev Branch
UG-6 Galaxy Complex
Behind Grand Bhagwati Hotel
Bodakdev
Ahmedabad-380 054.
21. Union Bank of India
Annada College Branch
Annada Chowk
Katcheri Road
Hazaribagh
Jharkhand-825301.
22. Union Bank of India
B.S. City College Branch
Sector-VI Centre Market
Bokaro Steel City
Bokaro (Jharkhand)-827006.
23. Union Bank of India
Manmad Branch
Durga Complex 1st Floor
Azad Road
Manmad-423104.
Dist. : Nashik Maharashtra
24. Union Bank of India
Service Branch
Visakhapatnam
Door No. 10-50-14/3(3) 1st floor
Waltair Main Road
Visakhapatnam-03 (AP).
25. Union Bank of India
Siripuram Branch
Visakhapatnam
Door No. 10-50-14/3(3) 1st floor
Waltair Main Road
Visakhapatnam-03 (AP).

CANARA BANK

1. Canara Bank
Nandyal Branch
25/516 A Srinivasanagar
Kurnool District
Nandyal-518 501
A. P., Kurnool.
2. Canara Bank
Pylakurthy Branch
Katamuru Mandal
Pylakurthy-518 464
A. P., Kurnool.
3. Canara Bank
Varkur Branch
Varkur-518 643
A. P., Kurnool.
4. Canara Bank
Akulavarighanapur Branch
H. No. 12/176
Behind Cinema Theatre
Post Eturunagaram
Akulavarighanapur-506 165
A. P., Warangal.
5. Canara Bank
Gudivada Branch
N. T. R., Stadium Complex
Gudivada-521 301.
A. P., Krishna
6. Canara Bank
Masaipet Branch
1-44 National High Way 7
Masaipet-502 335
A. P., Medak.
7. Canara Bank
Shivajinagar Branch
H. No. 10/1/63-64-65
Shivajinagar
Nizamabad-503 001
A. P. Nizamabad.
8. Canara Bank
Pochampally Branch
H. No. 5-31
Pochampally-508 284
A. P., Nalgonda.
9. Canara Bank
Narayanpet Branch
1-1-5, High School Road
Chourastha Bazar
Narayanpet-509 210
A. P., Mahabubnagar.
10. Canara Bank
Tirumala Branch
SMC 257 A & B
Tirumala Hills
Tirumala-517 504.

11. Canara Bank
Chandramoulinagar
Guntur Branch
Mayuri Homes
Chandramoulinagar
Ring Road
Guntur-522 007
12. Canara Bank
Bapatla Branch
Near Railway Station
Bapatla-522 101
A. P., Guntur
13. Canara Bank
Venugopalanagar Branch
Srinivasa Complex
Main Road
Venugopalanagar
Guntur-4
14. Canara Bank
Nagulavaram Branch
Via Pedakancherla
Nagulavaram-522 649
A. P. Guntur
15. Canara Bank
Pedakakani Branch
Nagalakshmi Building
Near Junction
Main Road
Pedakakani-522 509
A. P. Guntur
16. Canara Bank
Suryapet Branch
1-4-81 Alankar Takies Road
Suryapet-508 214
A. P. Nalgonda
17. Canara Bank
ARM Branch
5-9-22/1/4C & 4D
Damayanthi Chambers
Adarshanagar
Hyderabad
18. Canara Bank
Guntur Main Branch
P B 136 Hindu College
High School Campus
Opp. Gandhi Park
Guntur-522 003
19. Canara Bank
HSE Branch
D No. 3-6-275
HSE Building
Hyderabad
20. Canara Bank
S R Nagar Branch
51/3 RT, First Floor
Main Road
Sanjeeva Reddy Nagar
Hyderabad-500 038
21. Canara Bank
Belagal Branch
Main Road
Belagal-518 462
A. P., Kurnool
22. Canara Bank
Dharmavaram Branch
Manju Complex
Dharmavaram-515 671
A. P., Ananthapur
23. Canara Bank
Keshampet Branch
Near Mandal Development Office
4-47 Keshampet-509 408
A. P., Mahabubnagar
24. Canara Bank
Dabagarbens Branch
30-15-160, Ward No. 17
Main Road
Dabagardens
Visakhapatnam-20
25. Canara Bank
Puttaparthi Branch
Opp. Police Station
Prashanthi Nilayam
Puttaparthi-515 134
26. Canara Bank
Saidabad Colony Branch
H. No. 17-1-391/T/223/A
Near Saraswathinagar Entrance
Saidabad Colony
Hyderabad-500 059
27. Canara Bank
Pulmamidi Branch
Nehru Memorial Youth Club Bldg.
Via Nawabpet Pulmamidi-501 112
R R Dist. A.P.
28. Canara Bank
Chirala Branch
Durbar Main Road
Chirala-523 155
A. P., Prakasam
29. Canara Bank
H Khairawadi
Ganegandla Mandal
H Khairawadi- 518 463
A. P. Kurnool.

- | | |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 30. Canara Bank Kuppam Branch
14-66/1, BRR Complex
R. K. Road Opp. MPP Office
Kuppam-517 425
A. P. Chittoor | Andheri (E)
Mumbai-400 093
Maharashtra |
| 31. Canara Bank
1st Floor
Shirdi Town Panchayat
Shopping Complex No. 2
Town Manmad Road
Shirdi-423 109 | 41. Canara Bank
SSB Dahisar (W) Branch
Krishna Kunj
Ground Floor
Lokmanya Tilak Road
Dahisar (W)
Mumbai-400 068
Maharashtra |
| 32. Canara Bank
New Okhla Industrial Development Authority
Sector-6 Noida
U. P. | 42. Canara Bank
1st Floor, Vasant Plaza
"B" Wing Gandhi Chowk
Main Road
Sawantwadi-416 510
Maharashtra |
| 33. Canara Bank
S-2 Gama Shopping Complex
Greater Noida
U.P. | 43. Canara Bank
Ordinance Estate
Ordinance Factory
Ambemath (West)-421 502
Maharashtra |
| 34. Canara Bank
Katchery Road
Rafi Nagar
Raebareilly
U.P. | 44. Canara Bank
Plot No. 1, Shantiniketan
CHS, Near Rana Pratap Post Office
Ring Road, Khamala
Nagpur-440 022
Maharashtra |
| 35. Canara Bank
Station Road
Gonda-271 002
Distt. Gonda
U.P. | 45. Canara Bank
MSFC Branch
MSFC Building
Senapathi Bapat Road
Pune-411 016
Maharashtra |
| 36. Canara Bank
465, Moti Nagar
Unnao-209 801 | 46. Canara Bank
Plot No. 1
Madhukunj Co-operative Housing Society
Panchawati
Pune-411 08
Maharashtra |
| 37. Canara Bank
Suraj Bhan Vidya Bharti
Rajendra Nagar
Bareilly-243 122. | 47. Canara Bank
E-9, Ganapati Plaza Shopping Complex
Phool Bagh
Bhiwari
Alwar Road
Rajasthan |
| 38. Canara Bank
Khirani Bagh
Shahjahanpur-242 001
U.P. | 48. Canara Bank
Pankaj Grand Plaza
Mayur Vihar Phase-I
New Delhi-110 092 |
| 39. Canara Bank
Currency Chest
No. 3 Colvin Road
Allahabad
U.P. | |
| 40. Canara Bank
MIDC Andheri (E) Branch
Akruti Trade Centre
Office Unit No. 3
Ground Floor
Rood No. 7
Marol MIDC | |

49. Canara Bank
C-10, 11 Community Centre
New Friends Colony
New Delhi
50. Canara Bank
11, Manav Ashray
Vasundhara Enclave
Institutional Area
Delhi-110096
51. Canara Bank
Regional Office
First Floor,
Maheswari Mansion
Thamarakulam, Kollam-691001
Kerala, Kollam
52. Canara Bank
T C 31/586
Near Kanjiravilakam Temple
Beach Road,
Pettah P. O.
Thiruvananthapuram, Kerala
53. Canara Bank
K P III/128 E, "Sayoojyam"
N H By Pass Junction
Kazhakuttam,
Thiruvananthapuram
Kerala, Thiruvananthapuram
54. Canara Bank
9/102, Vettathukavala
Erikkad,
Puthupally P.O.
Kottayam, Kerala
55. Canara Bank
XVII/1027, 1028, 1029
Polymel Towers
Attingal-695 101
Kerala,
Thiruvananthapuram
56. Canara Bank
Udayagiri Complex
Kadappakada
Kollam-691008
Kerala, Kollam
57. Canara Bank
Mahila Banking Branch
T C No. 2/2464
Pattom N H Road
Pattom, Thiruvananthapuram-695 004
Kerala,
Thiruvananthapuram
58. Canara Bank
Holy Family Church
Forance Church Shopping Centre
P P Road, Poonakunnam
Kerala, Trichur
59. Canara Bank
M I C R Centre
Second Floor,
Spencer Building
Circle Office Annexe
M G Road,
Thiruvananthapuram-695 001
60. Canara Bank
Currency Chest, 15/439 A
Hospital Road
Canara Bank Building
Tripunithura-682 301
61. Canara Bank
15/614 A
Perumadan Shopping Complex
Pazhuvil
Kerala, Trissur
62. Canara Bank
Main Road
Perumpilav-680519
Kerala, Trichur
63. Canara Bank
Premier Printers Building
Building No. 207/XIV
N H 47, Aluva Road
Angamali-683 572
Kerala, Ernakulam
64. Canara Bank
Regional Office, 3 I/1003
Second Floor,
Azeez Building
Market Road,
Palakkad-678 014
Kerala, Palakkad
65. Canara Bank
Ozhalapathy Road,
Velanthavalam-678 558
Kerala, Palakkad
66. Canara Bank
Door No. 5/3420 M, First Floor
Kannan Kandy Chambers
Near Areyadath Palam
Mavoor Road,
Kozhikode-673 004
Kerala, Kozhikode
67. Canara Bank
Currency Chest
Marudevi Complex
Gudalai, Kalpetta-673 121
Kerala, Wynad
68. Canara Bank
Currency Chest, Tirur Road
Down Hill,
Malappuram-676 519
Kerala, Malappuram

69. Canara Bank
Currency Chest,
Sri Vidya Arcade
Kottacherry,
Mavangal Road
Kanhangad-670 315
Kerala, Kasargod
70. Canara Bank
Currency Chest,
18/395, Samopham Road,
P B No. 554
Chalapuram, Calicut-673 002
Kerala, Kozhikode
71. Canara Bank
Currency Chest, T P IV 582
Valapattanam Road
South Bazar, Kannur-670 002
Kerala, Kannur
72. Canara Bank
Lead Bank Office
Marudevi Complex
Gudalai, Kalpetta-673 121
Kerala, Wynad
73. Canara Bank
Lead Bank Office
Tirur Road, Down Hill
Malappuram-676 519
Kerala, Malappuram
74. Canara Bank
Lead Bank Office
Regional Office
18/1067, Jail Road
Calicut-673 004
Kerala, Kozhikode
75. Canara Bank
Koothattukulam
Padson Chambers,
M C Road
Near IOC Pump
Koothattukulam
Kerala, Koothattukulam
76. Canara Bank
J & J Building
Room No. 5759, Kurisingal
Kanjirapally
Kerala, Kanjirapally
77. Canara Bank
Holy Family Church
Forance Church Shopping Centre
P P Road, Ponkunnam-686 506
Kerala, Ponkunnam
78. Canara Bank
XVII/1309
Mullakkal
Allapuzha-688 010
Kerala, Allapuzha
79. Canara Bank
Currency Chest, B J Road
Allapuzha-688 010
Kerala, Allapuzha
80. Canara Bank
Alphonsa Commercial Complex
Market Junction
Kottarakkara-691 506
Kerala, Kottarakkara
81. Canara Bank
P A C Shopping Complex
Soorya Road
Near KSRTC Bus Stand
Nedumangad-695 541
Kerala, Nedumangad
82. Canara Bank
T C 2/4-1, 1st Floor
Ulloor Junction
Thiruvananthapuram
Kerala, Ulloor
83. Canara Bank
1st Floor, Lakshmi Chambers
Ganapathi Koil Road
Vazhuthacaud,
Thiruvananthapuram
Kerala, Thiruvananthapuram.

इस्पात मंत्रालय

नई दिल्ली, 22 अगस्त, 2005

का०आ० 3100.—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित, 1987) के नियम 10 के उप-नियम (4) के अनुसरण में केन्द्रीय सरकार एतद्वारा इस्पात मंत्रालय के प्रशासनिक नियंत्रणाधीन फ़ैरो स्क्रैप निगम लिमिटेड की विशाखापत्तनम इकाई जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. ई. 11011/6/2001-हिन्दी]

आशुतोष बरनवाल, निदेशक

MINISTRY OF STEEL

New Delhi, the 22nd August, 2005

S. O. 3100.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purpose of the Union) Rules, 1976 (as amended, 1987) the Central Government hereby notifies the Vishakhapatnam Unit of Ferro Serap Nigam Limited under the administrative control of Ministry of Steel, where more than 80% staff have acquired working knowledge of Hindi.

[No. E. 11011/6/2001-HINDI]

ASHUTOSH BARANWAL, Director

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 10 अगस्त, 2005

का.आ. 3101.—भारतीय मानक ब्यूरो नियम, 1987 के नियम-7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 2329:2005/आईएसओ 8491:1998 धात्विक सामग्री-नलिका— (समस्त अनुभाग)—बंक परीक्षण (दूसरा पुनरीक्षण)	आईएस 2329:1985	जून, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 3/टी-77]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 10th August, 2005

S. O. 3101.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 2329 : 2005/ISO 8491:1998 Metallic Materials - Tube (In Full Section) - Bend Test (Second Revision)	IS 2329 : 1985	June 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch

Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 3/T-77]

S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 10 अगस्त, 2005

का.आ. 3102.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 2335:2005/आईएसओ 8493:1998 धात्विक सामग्री—नलिका—गुल्ली प्रसार परीक्षण (दूसरा पुनरीक्षण)	आईएस 2335:1985	31 मई, 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 3/टी-77]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 10th August, 2005

S. O. 3102.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 2335:2005/ISO 8493:1998 Metallic Materials—Tube-drift expanding test (Second Revision)	IS 2335:1985	31 May, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 3/T-77]

S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 10 अगस्त, 2005

का.आ. 3103.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 1608:2005/आईएसओ 6892:1998 धात्विक सामग्री-परिवेश ताप पर तनन परीक्षण (तीसरा पुनरीक्षण)	आईएस 1608:1995	31 मई, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 3/टी-77]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 10th August, 2005

S.O. 3103.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 1608:2005/ISO 6892:1998 Metallic Materials-Tensile testing at ambient temperature (Third Revision)	IS 1608:1995	31 May, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : MTD 3/T-77]

S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 10 अगस्त, 2005

का.आ. 3104.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 2328:2005/आईएसओ 8492:1998 धात्विक सामग्री-नलिका- समतलीकरण परीक्षण (दूसरा पुनरीक्षण)	आईएस 2328:1983	31 मई, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 3/टी-77]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 10th August, 2005

S.O. 3104.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 2328:2005/ISO 8492:1998 Metallic Materials-Tube- Flattening test (Second Revision)	IS 2328:1983	31 May, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 3/T-77]

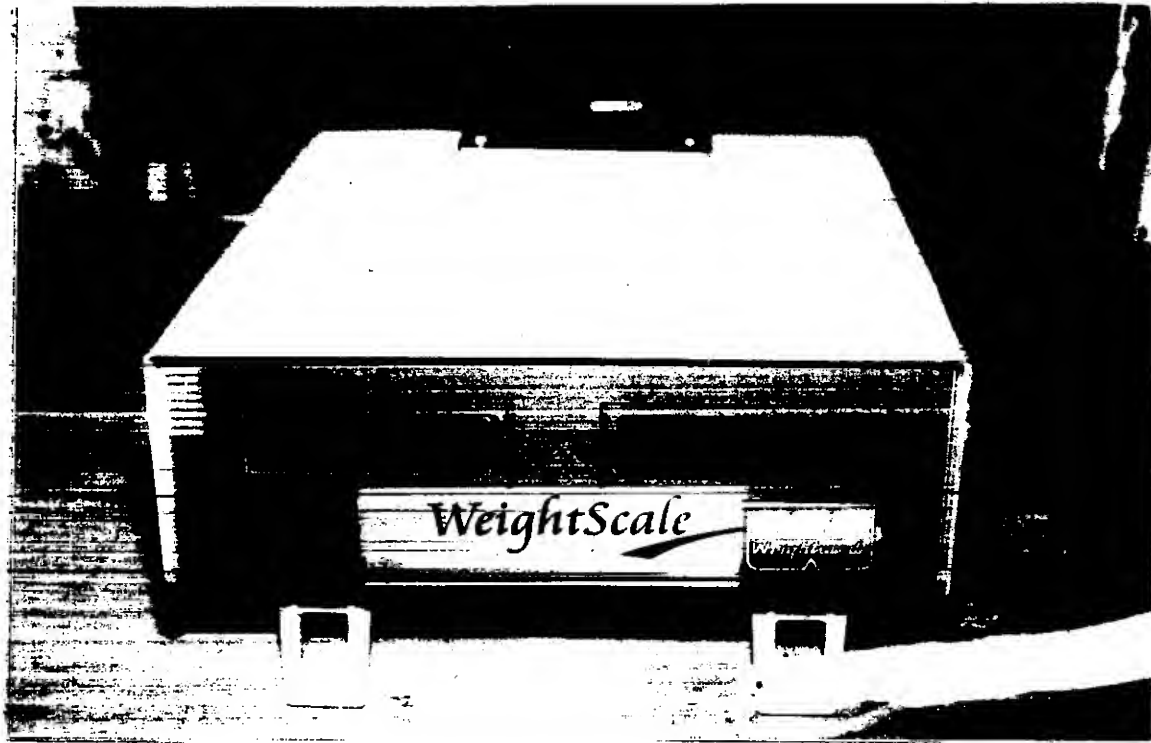
S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 4 अगस्त, 2005

का.आ. 3105.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग को अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेटस्केल्स इण्डिया प्रा. लिमिटेड, मुंबई, पुणे रोड, पुणे-4110034, द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डब्ल्यू एम-पीसी” श्रृंखला के अस्वचालित तोलन उपकरण (यांत्रिक प्लेटफार्म का क्वचरन किट प्रकार) के मॉडल का, जिसके ब्रांड का नाम “वेट स्केल” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/08 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गैज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(152)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th August, 2005

S.O. 3105.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Conversion kit for mechanical Platform) with "WS-PC" series belonging to medium accuracy (Accuracy class-III) and with brand name "WEIGHTSCALE" (herein referred to as the said model), manufactured by M/s. Weightscales India Private Limited, Bombay-Poona Road, Poona-411 034 and which is assigned the approval mark IND/09/2005/08;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 300 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plat, sealing is done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 50 kg. and up to 1000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(152)/2001]

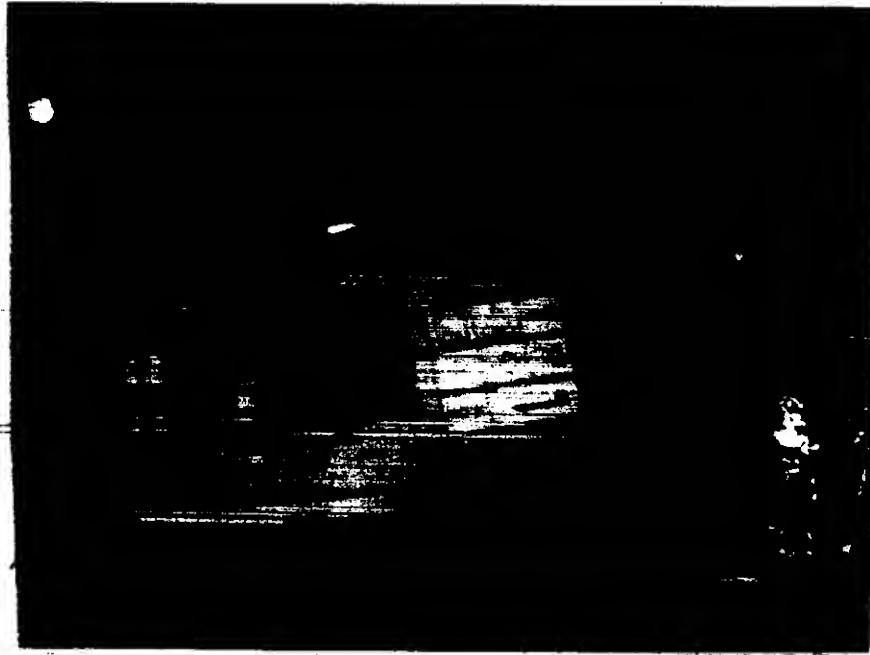
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 अगस्त, 2005

का.आ. 3106.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह आशय हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऐजाइल मेजरमेन्ट, सी-66, ओखला इण्डस्ट्रियल एरिया फेज-1, नई दिल्ली-110020, द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ए एम पी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "ऐजाइल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/166 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गैज प्रकार का लोडसेल आधारित (टेबल टोप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 600 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. अधिक के "ई" मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या-उससे अधिक "ई" मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(53)/2003]

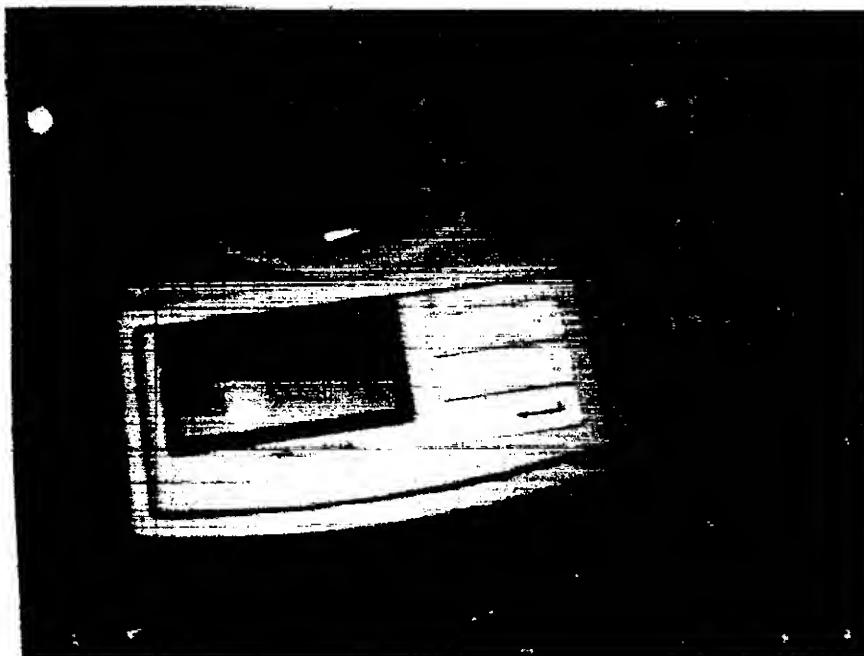
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th August, 2005

S. O. 3106.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "AMP" series of high accuracy (Accuracy class-II) and with brand name "AGILE" (herein after referred to as the said model), manufactured by M/s. Agile Measurements, C-66 Okhla Industrial Area, Phase-I, New Delhi-110020 and which is assigned the approval mark IND/09/05/166;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 600g. and minimum capacity of 200mg. The verification scale interval (e) is 10 mg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(53)/2003]

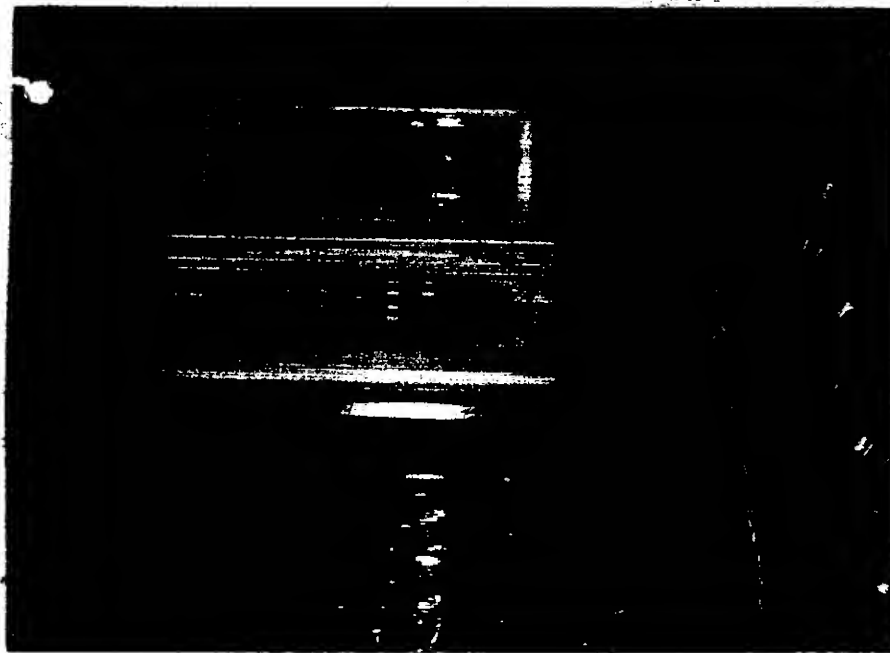
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 9 अगस्त, 2005

का.आ. 3107.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऐण्डल मेजरमेन्ट, सी-66, ओखला इण्डस्ट्रियल एरिया फेज-1, नई दिल्ली-110020, द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ए एम एफ" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "ऐजाइल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/167 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त मॉडल एक विकृत गैज प्रकार का लोडसेल आधारित (प्लेटफार्म प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 2000 कि.ग्रा. और न्यूनतम क्षमता 10 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(53)/2003]

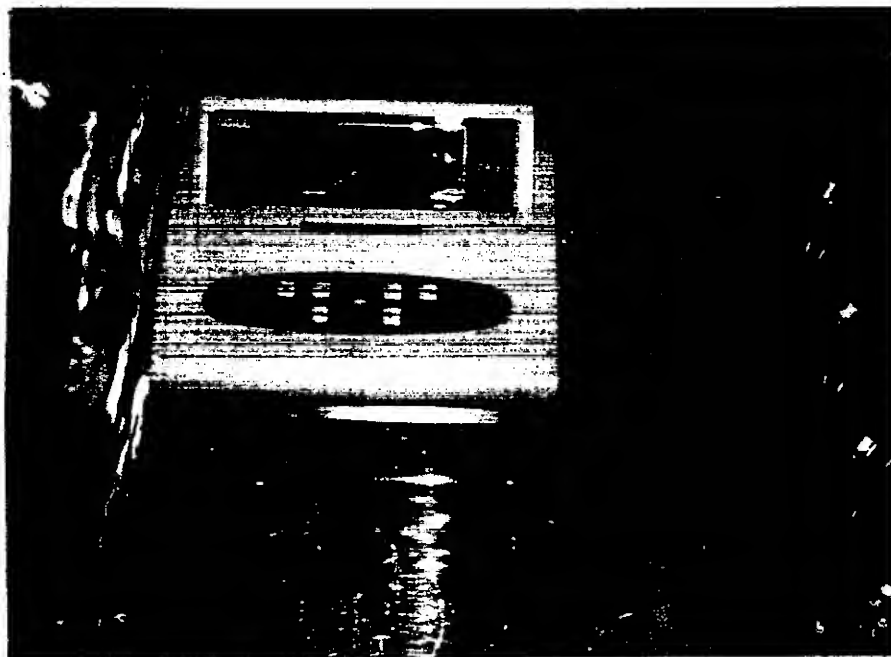
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th August, 2005

S.O. 3107.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "AMF" series of high accuracy (Accuracy class-II) and with brand name "AGILE" (hereinafter referred to as the said model), manufactured by M/s. Agile Measurements, C-66, Okhla Industrial Area, Phase-I, New Delhi-110020 and which is assigned the approval mark IND/09/05/167;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 2000 kg. and minimum capacity of 10 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured

[F. No. WM-21(53)/2003]

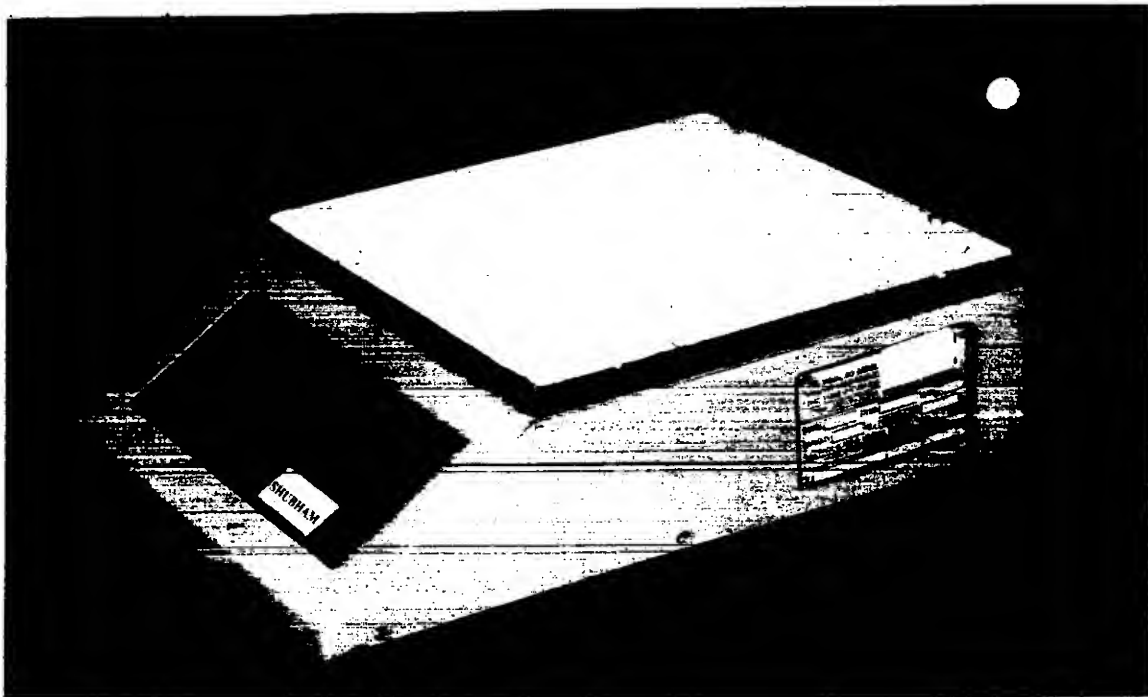
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अगस्त, 2005

का.आ. 3108.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेटक स्केल प्राइवेट लिमिटेड, एम आई जी-189, एम पी एच बी कालोनी, भारत माता स्कूल के सामने, टाटीबंद, रायपुर, छत्तीसगढ़ द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस टी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटोप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "शुभम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/40 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित (टेबलटोप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 5 कि.ग्रा. और न्यूनतम क्षमता 10 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 0.5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^0 , 2×10^0 या 5×10^0 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(9)/2004]

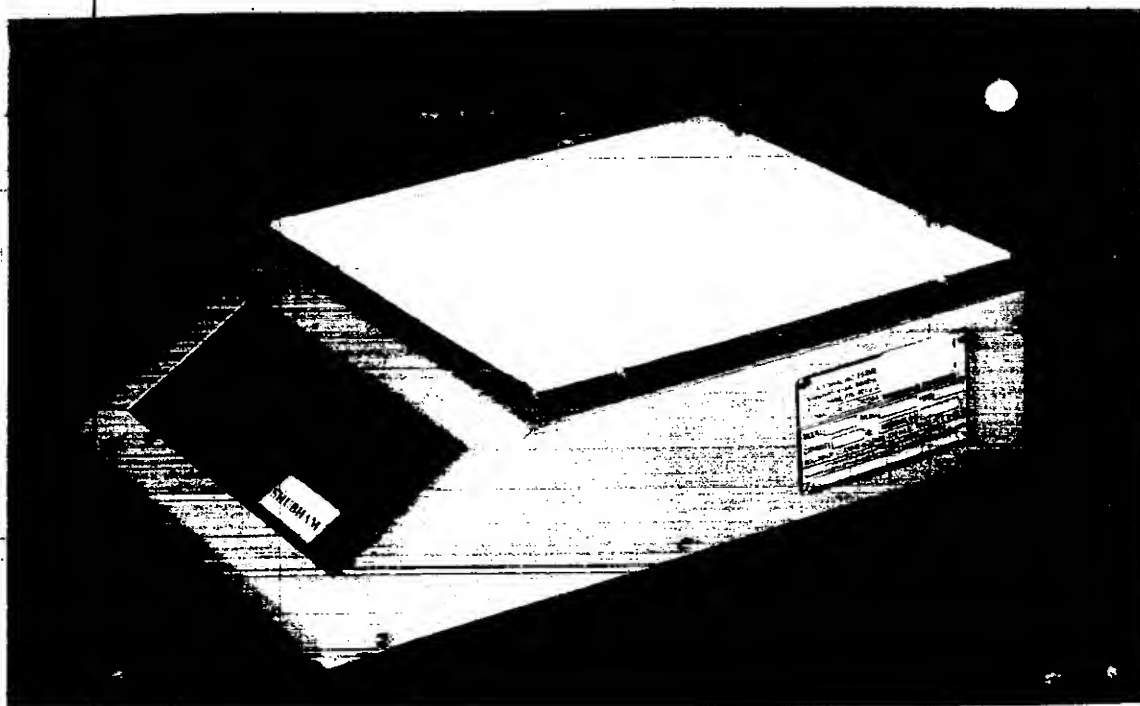
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2005

S.O. 3108.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table Top type) weighing instrument with digital indication of medium accuracy (Accuracy class-III) and with brand name "SHUBHAM" and "ST" series (herein referred to as the said model), manufactured by M/s. Weightec Scale Private Limited, MIG-189, M.P.H.P. Colony, Opp. Bharatmata School, Tatibandh, Raipur, Chhatisgarh and which is assigned the approval mark IND/09/05/40;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 5 kg. and minimum capacity of 10g. The verification scale interval (e) is 0.5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with the number of verification scale interval (n) in the range 500 to 10000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

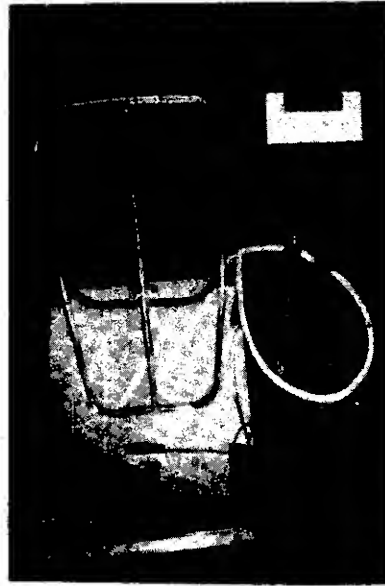
[F. No. WM-21(9)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अगस्त, 2005

का.आ. 3109.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेटक स्केल प्राइवेट लिमिटेड, एम आई जी-189, एम पी एच बी कालोनी, भारत माता स्कूल के सामने, टाटीबंघ, रायपुर, छत्तीसगढ़ द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस पी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "शुभम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/41 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित (प्लेटफार्म प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेके, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^{\text{कै}}$, $2 \times 10^{\text{कै}}$ या $5 \times 10^{\text{कै}}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

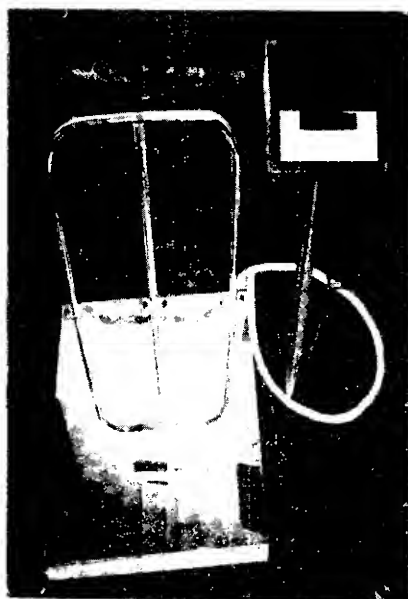
[फा.सं. डब्ल्यू एम-21(9)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2005

S.O. 3109.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (50 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Platform type) weighing instrument with digital indication of medium accuracy (Accuracy class-III) and with brand name "SHUBHAM" and "SP" series (herein referred to as the said model), manufactured by M/s. Weightec Scale Private Limited, MIG-189, M.P.H.P. Colony, Opp. Bharatmata School, Tatibandh, Raipur, Chhatisgarh and which is assigned the approval mark IND/09/05/41;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 100 kg. and minimum capacity of 200g. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plat, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 300 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2g. and with the verification interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

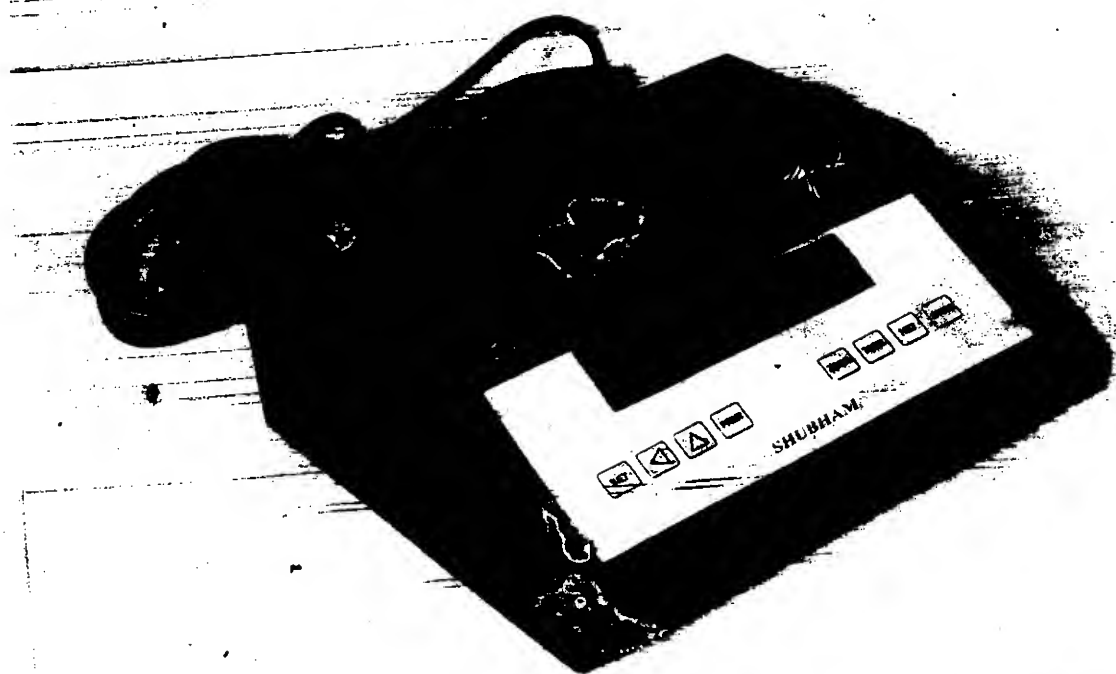
[F. No. WM-21(9)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अगस्त, 2005

का.आ. 3110.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह प्माण हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात को संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेटक स्केल प्राइवेट लिमिटेड, एम आई जी-189, एम. पी. एच. बी. कालोनी, भारत माता स्कूल के सामने, टाटीबंघ, रायपुर, छत्तीसगढ़ द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस डब्ल्यू" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम "शुभम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/2005/42 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित (वेब्रिज प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 किग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(9)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2005

S.O. 3110.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Weighbridge type) weighing instrument with digital indication of medium accuracy (Accuracy class-III) and with brand name "SHUBHAM" and "SW" series (herein referred to as the said model), manufactured by M/s. Weightec Scale Private Limited, MIG-189, M.P.H.P. Colony, Opp. Bharatmata School, Tatibandh, Raipur, Chhatisgarh and which is assigned the approval mark IND/09/05/42;



The said model is a strain gauge type load cell based non-automatic weighing instrument (weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

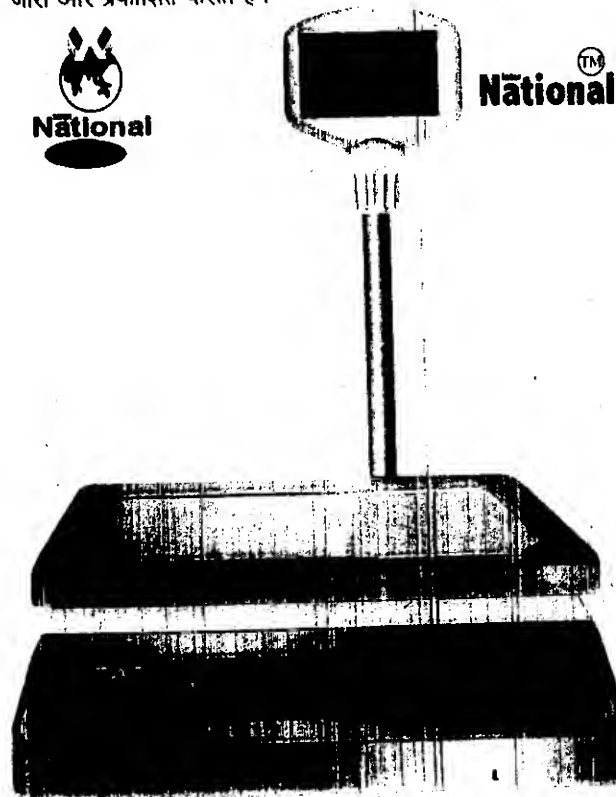
[F. No. WM-21(9)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 अगस्त, 2005

का.आ. 3111.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नेशनल कारपोरेशन, "नेशनल कार्नर" उधाना दरवाजा, रिंग रोड, सूरत-395002 गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आई एन टी टी" शृंखला के अंकक सूचन सहित, स्वतः सूचक, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "इन्टरनेशनल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/103 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



TABLETOP MODEL

उक्त मॉडल लोड सेल आधारित दोहरी रेंज वाला तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा० और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 15 कि.ग्रा. तक 2 ग्रा. और 15 कि.ग्रा. से अधिक और 30 कि.ग्रा. तक 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(62)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th August, 2005

S.O. 3111.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of self indicating, non-automatic dual range (Platform type) weighing instrument, with digital indication of "INTT" series of medium accuracy (accuracy class-III) and with brand name "INTERNATIONAL" (hereinafter referred to as the model), manufactured by M/s. National Corporation, "National Corner" Udhana Darwaja, Ring Road, Surat-395 002, Gujarat and which is assigned the approval mark IND/09/2005/103;



TABLETOP MODEL

The said Model is a load cell based dual range weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. up to 15 kg and 5 g. above 15 kg. and up to 30 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode indicates the weighing result. The instrument operates on 230V and 50Hz alternate current power supply.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g. and with the number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

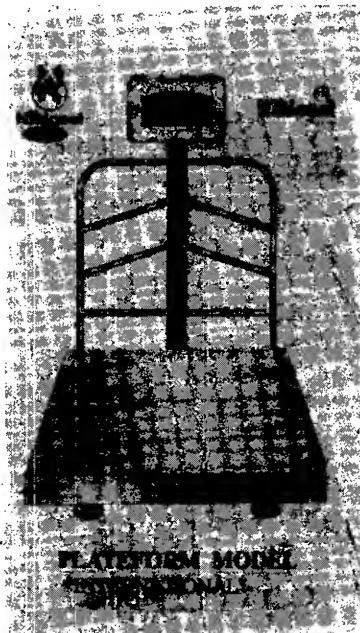
[F. No. WM-21(62)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 अगस्त, 2005

का.आ. 3112.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नेशनल कार्पोरेशन, "नेशनल कॉर्नर" उधाना दरवाजा, रिंग रोड, सूरत-395002 गुजरात द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आई एन पी एफ" श्रृंखला के अंकक सूचन सहित, स्वतः सूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "इन्टरनेशनल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/104 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल लोड सेल आधारित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा० और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

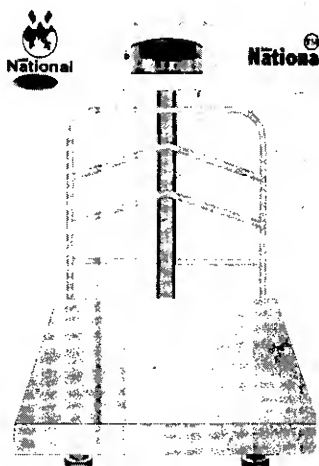
[फा.सं. डब्ल्यू एम-21(62)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th August, 2005

S.O. 3112.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of Model of self indicating, non-automatic weighing instrument (Platform type) with digital indication of "INPF" series of medium accuracy (accuracy class-III) and with brand name "INTERNATIONAL" (hereinafter referred to as the model), manufactured by M/s. National Corporation, "National Corner" Udhana Darwaja, Ring Road, Surat-395 002, Gujarat and which is assigned the approval mark IND/09/2005/104;



PLATFORM MODEL
"INTERNATIONAL"

The said Model is a load cell based weighing instrument (Platform type) with a maximum capacity of 1,000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode indicates the weighing result. The instrument operates on 230Volts and 50Hz alternate current power supply.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg and up to 5,000 with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

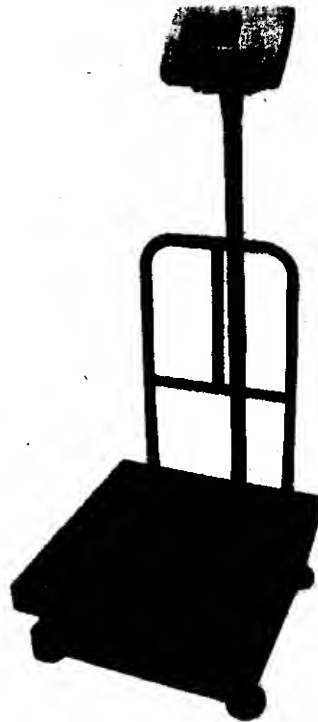
[F. No. WM-21(62)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 अगस्त, 2005

का.आ. 3113.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सी ए एस वेईंग इंडिया लिमिटेड, 568, उद्योग विहार, फेज-V, गुडगांव, हरियाणा-122016 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डी जेड" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सी ए एस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/171 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित (प्लेटफार्म प्रकार का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 2000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़. सं. डब्ल्यू एम-21(290)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th August, 2005

S.O. 3113.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "DZ" series of medium accuracy (Accuracy class-III) and with brand name "CAS" (herein referred to as the said Model), manufactured by M/s. CAS Weighing India Limited, 568, Udyog Vihar, Phase V, Gurgaon, Haryana-122 016 and which is assigned the approval mark IND/09/2005/171;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 2000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The digital Light Emitting Diode (LED) display unit indicates the weighing result. The instrument operates on 230 V, 50 Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5,000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(290)/2004]

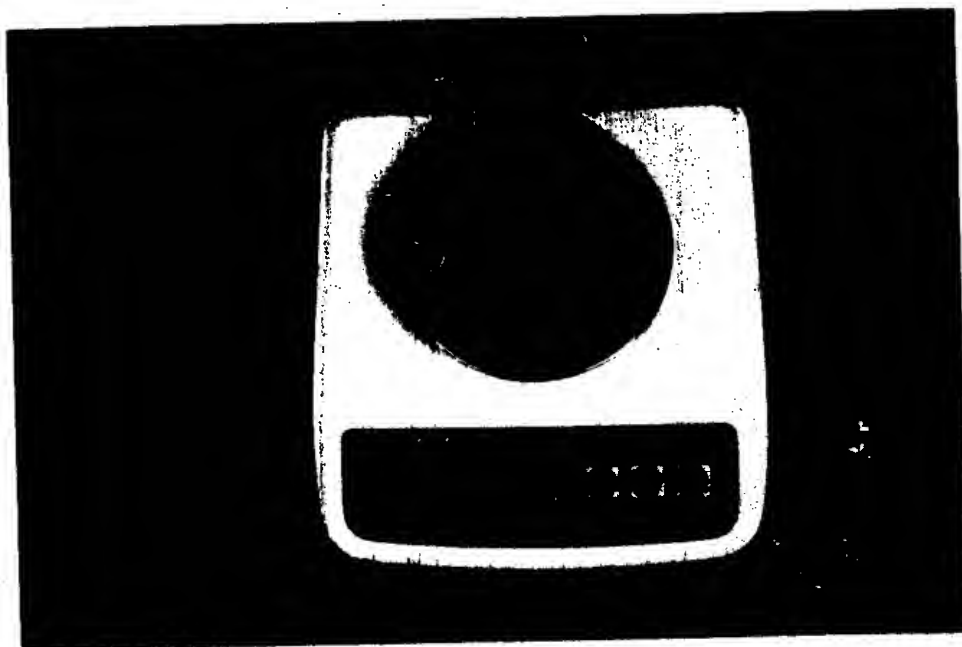
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 16 अगस्त, 2005

क्र.आ. 3114.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रिसिशन इलैक्ट्रॉनिक इंस्ट्रुमेंट कंपनी, सं. 77, स्वर्ण पार्क, मुण्डका, नई दिल्ली द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "जी टी जे" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "गोल्ड टेक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/194 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) का है। इसकी अधिकतम क्षमता 200 ग्रा. और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(50)/2003]

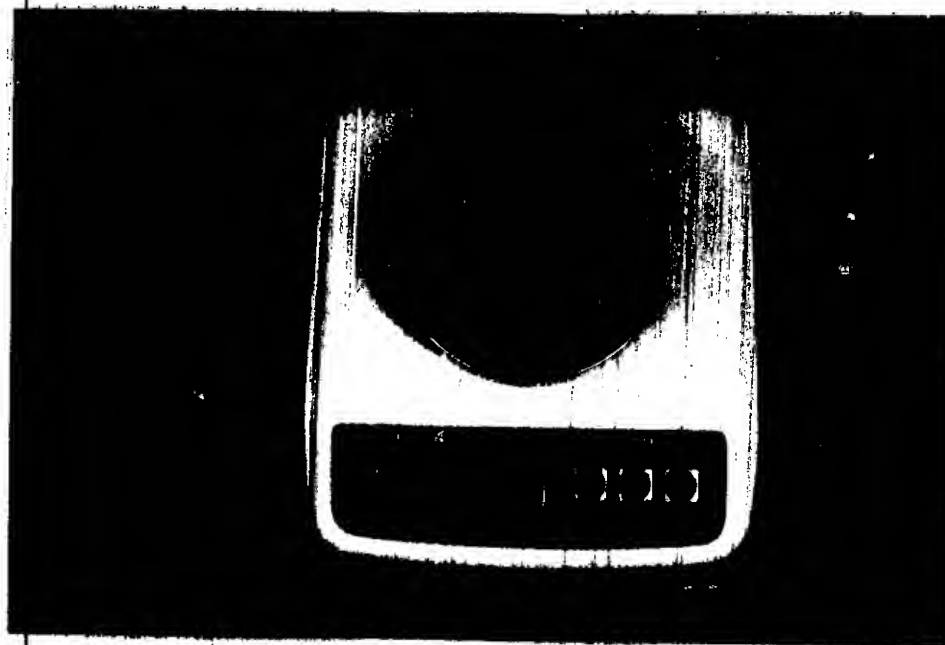
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th August, 2005

S.O. 3114.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "GTJ" series of high Accuracy (Accuracy class-II) and with brand name "GOLDTECH" (herein referred to as the said Model), manufactured by M/s. Precision Electronic Instruments Company, No. 77, Swaran Park, Mundaka, New Delhi-110041 and which is assigned the approval mark IND/09/2004/194;

The said Model (See the Figure given below) is strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 200 g. and minimum capacity of 200 mg. The verification scale interval (e) is 10 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instruments operates on 230 Volts, and 50 Hz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 5,000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval 'n' in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(50)/2003]

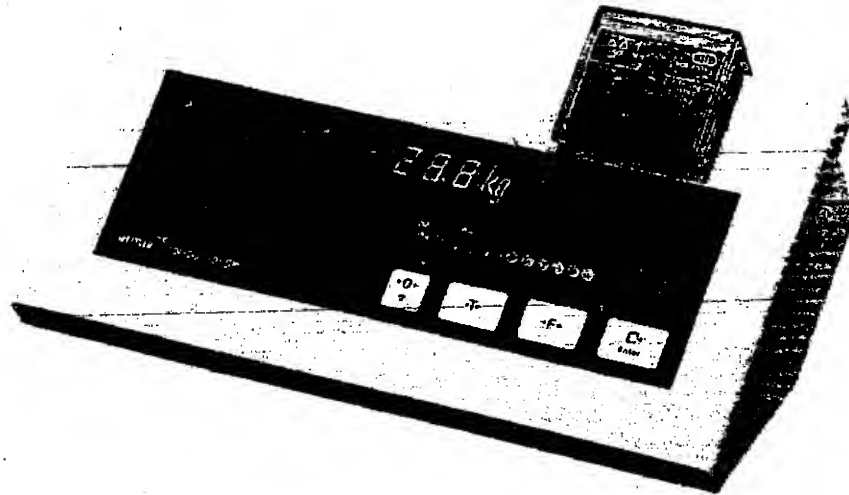
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 16 अगस्त, 2005

का.आ. 3115.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर टोलिडो इंडिया प्राइवेट लिमिटेड, अमर हिल, साकी विहार सड़क, मुंबई-400072 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "के बी 60-2आई डी-1" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "मेटलर टोलिडो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/517 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है

उक्त मॉडल एकल ब्लाक तकनीकी सम्मिलित एक अस्वचालित (प्लेटफार्म प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 60 कि०ग्रा० और न्यूनतम क्षमता 500 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से ऊपर और 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(236)/2003]

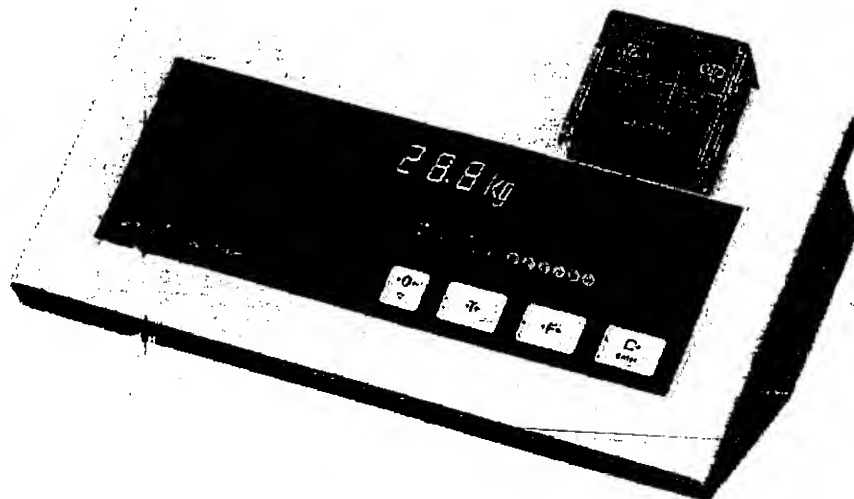
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th August, 2005

S.O. 3115.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication belonging to high accuracy (Accuracy class-II) of 'KB-60-2-ID1' series with brand name "Mettler Toledo" (herein referred to as the said model), manufactured by M/s. Mettler Toledo India Private Limited, Amar Hill, Saki Vihar Road, Mumbai-400072 and which is assigned the approval mark IND/09/2004/517;

The said Model is a mono block technology incorporated non-automatic weighing instrument (Platform type). Its maximum capacity is 60kg. and minimum capacity 500g. The value of verification scale interval (e) is 10g. It has a tare device with a 100 percent subtractive retained tare effect. The Vacuum Florescent Display (VFD) indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 300kg with verification scale interval (n) in the range of 500 to 100,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(236)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 16 अगस्त, 2005

का.आ. 33/2005—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आविष्कार इलैक्ट्रॉनिक्स वेइंग स्केल्स प्रा. लि., देवराव-बाबा चावल, अकोला-444001 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ए डब्ल्यू ई” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (तोल सेतु प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम “आविष्कार” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/279 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोडसेल आधारित अस्वचालित तोलन उपकरण (तोल सेतु) है। इसकी अधिकतम क्षमता 20,000 कि०ग्रा० और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 5 टन से अधिक और 50 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

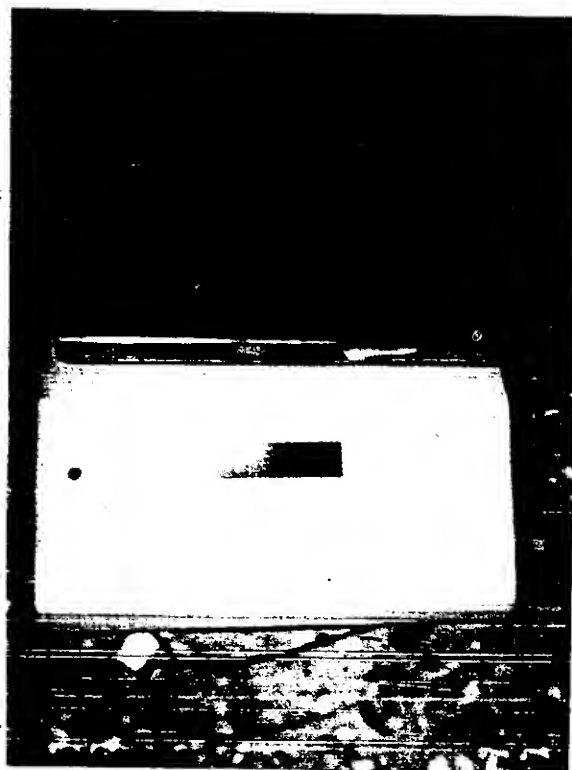
[फा.सं. डब्ल्यू एम-21(80)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th August, 2005

S.O. 3116.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (weighbridge) with digital indication belonging to medium accuracy (Accuracy class-III) of "AWE" series with brand name "AVISHKAR" (herein referred to as the said model), manufactured by M/s. Avishkar Electronics Weighing Scales Pvt. Ltd., Deorao-Baba Chawl, Akola-444001, Maharashtra and which is assigned the approval mark IND/09/2004/279



The said Model is a strain gauge type load cell based non-automatic weighing instrument (weighbridge), with a maximum capacity of 20,000 kg. and minimum capacity 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 50 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

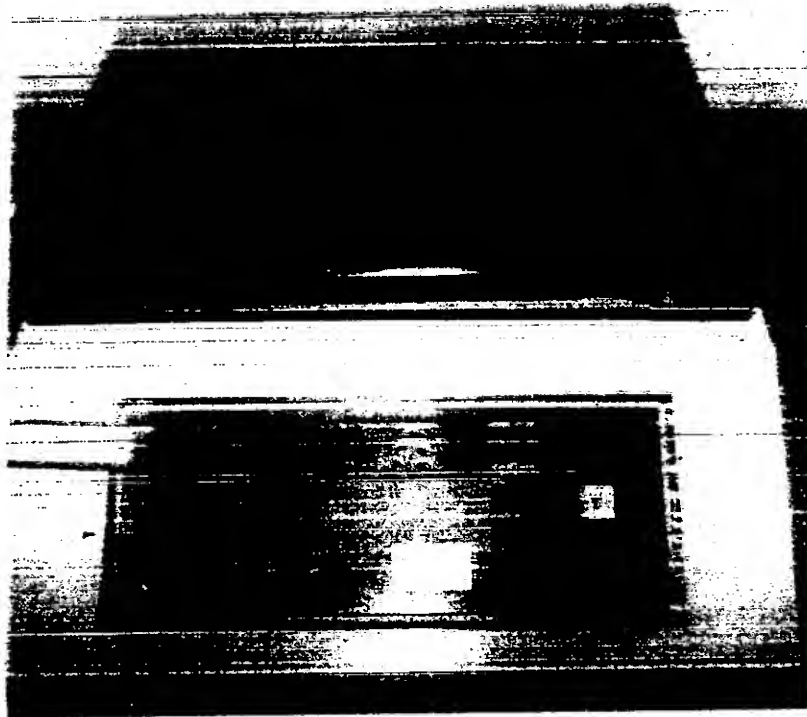
[F. No. WM-21(80)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 16 अगस्त, 2005

का.आ. 3117.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आविष्कार इलेक्ट्रॉनिक्स वेइंग स्केल्स प्रा.लि., देवराव-बाबा चावल, अकोला-444001 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ए वी टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "आविष्कार" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/280 ममनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोडसेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 20 कि०ग्रा० और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

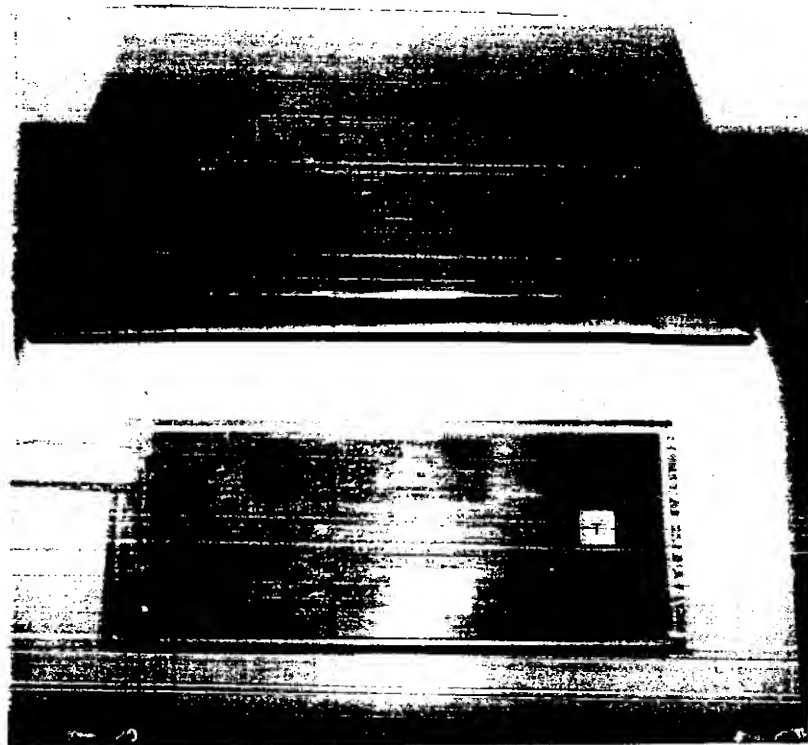
[फा. सं. डब्ल्यू एम-21(80)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th August, 2005

S.O. 3117.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "AVT" series of medium accuracy (accuracy class-III) and with brand name "AVISHKAR" (herein referred to as the said model), manufactured by M/s. Avishkar Electronics Weighing Scales Pvt. Ltd., Deorao-Baba Chawl, Akola-444001, Maharashtra and which is assigned the approval mark IND/09/2004/280;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity is 20kg. and minimum capacity 40g. The verification scale interval (e) is 2g. It has a tare device with 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230 volts and 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

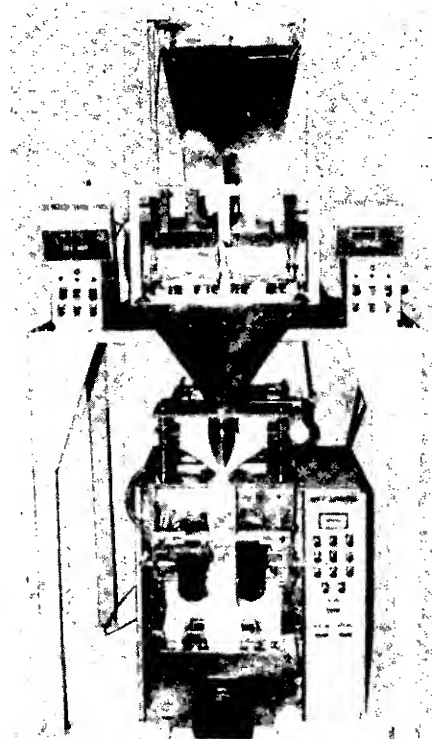
[F. No. WM-21(80)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 16 अगस्त, 2005

का.आ. 3118.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कैनप्लेक्स इंजीनियरिंग प्राइवेट लिमिटेड, पोस्ट बाक्स सं. 1919, सी 8/3, इंडस्ट्रीयल एस्टेट, संत नगर, हैदराबाद द्वारा निर्मित “डब्ल्यू एफ एफ एस” शृंखला के स्वतः सूचक, स्वचालित भरात्मक भरण मशीन (वे फिलर प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम “कैनन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/590 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक स्वचालित भरात्मक भरण मशीन भार सेल आधारित (वे फिलर) भरण मशीन है। इसकी अधिकतम क्षमता 5000 ग्रा० है और न्यूनतम क्षमता 5 ग्रा. है। मशीन को चाय, दालें, आलू, चिप्स, मिष्ठान आदि जैसे मुक्त प्रवाह वाले गैर चिप-चिपा, धूल रहित वाले उत्पादों को भरने के लिए डिजाइन किया गया है। इसकी भरण दर 40 भरण प्रति मिनट है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए भी सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी क्षमता 5 ग्रा. से 5000 ग्राम तक की रें के बीच की है।

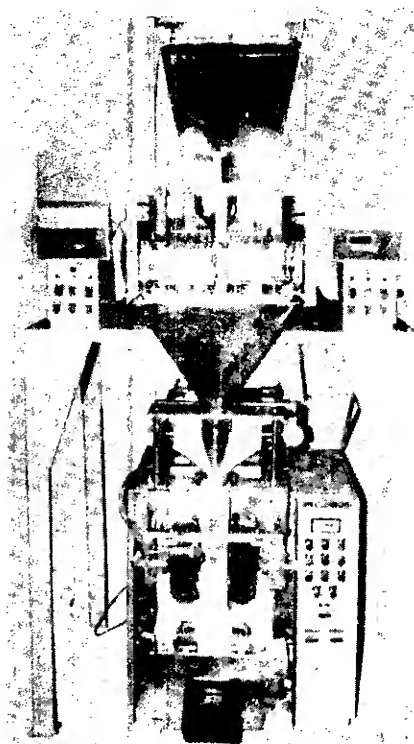
[फा.सं. डब्ल्यू एम-21(303)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th August, 2005

S.O. 3118.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of self indicating, automatic gravimetric filling machine (Weigh Filler-Load cell based) of "WFFS" series with brand name "CANNON" (herein referred to as the said model), manufactured by M/s. Canflex Engineering Private Limited, Post Box No. 1919, C-8/3, Industrial Estate, Sanath Nagar, Hyderabad and which is assigned the approval mark IND/09/2004/590



The said Model is an automatic gravimetric filling machine (Weigh Filler-Load cell based) with a maximum capacity is 5000g and minimum capacity 5g. It is designed to fill free flowing non-sticky, non-dusty products such as tea pulses, potato chips, confectionery etc. It fills 40 fills per minute. The instrument operates on 230 Volts and 50Hz alternate current power supply.

In addition to sealing stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with capacity in the range of 5g to 5000g manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

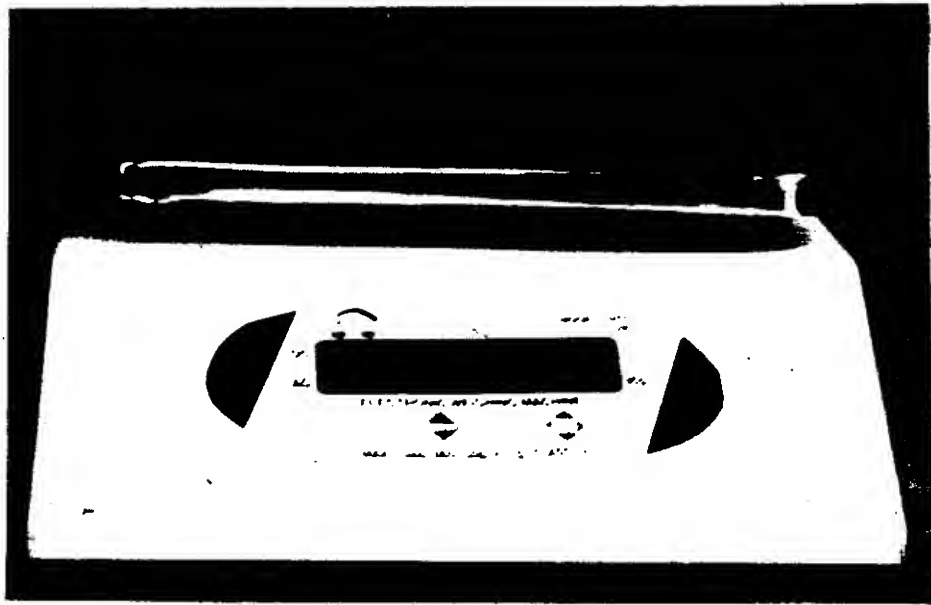
[F. No. WM-21(303)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2005

का.आ. 3119.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स न्यूजेन टेक्नालाजिस, आई एन सी, 17/229, महावीर पार्क, कारपोरेशन बैंक के पास, रोहतक रोड, बहादुरगढ़, हरियाणा द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एन टी टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम “न्यूजेन” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/173 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सैल आधारित मध्यम यथार्थता (यथार्थता वर्ग-II) वाला अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि.ग्रा० और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त, मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक “ई” मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और सहित 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

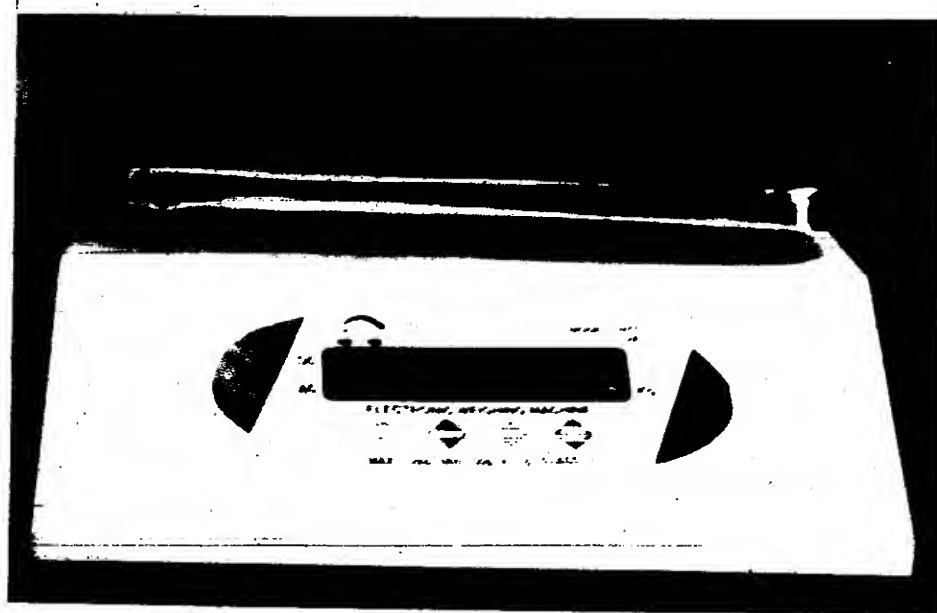
[फा. सं. डब्ल्यू एम-21(201)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2005

S.O. 3119.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table Top type) weighing instrument, with digital indication of high accuracy (Accuracy class-II) and with brand name "NEWGEN" and "NTT" series (herein referred to as the said Model), manufactured by M/s. Newgen Technologies Inc., 17/229, Mahavir Park, Opposite Corporation Bank, Rohtak Road, Bahadurgarh, Haryana and which assigned the approval mark IND/09/05/173;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) of high accuracy (accuracy class-II) with a maximum capacity of 12 kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volt, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with the number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

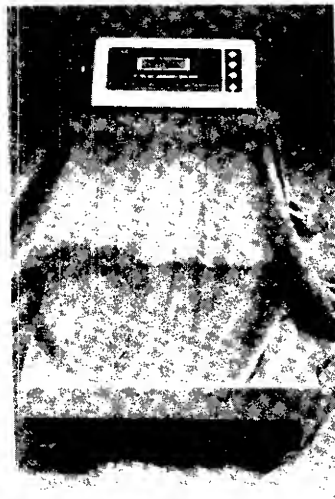
[F. No. WM-21(201)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 अगस्त, 2005

का.आ. 3120.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स न्यूजेन टेक्नालाजिस, आई एन सी, 17/229, महावीर पार्क, कारपोरेशन बैंक के पास, रोहतक रोड, बहादुरगढ़, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एन टी पी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "न्यूजेन" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन सी/09/2005/174 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सैल आधारित मध्यम यथार्थता (यथार्थता वर्ग-III) वाला अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 2,000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकित करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(201)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2005

S.O. 3120.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Platform type) weighing instrument with digital indication of medium accuracy (Accuracy class-III) and with brand name "NEWGEN" and "NTP" series (herein referred to as the said Model), manufactured by M/s. Newgen Technologies Inc., 17/229, Mahavir Park, Opposite Corporation Bank, Rohatak Road, Bahadurgarh, Haryana and which is assigned the approval mark IND/09/2005/174;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) of medium accuracy (accuracy class-III) with a maximum capacity of 2,000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5,000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , K being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved Model has been manufactured.

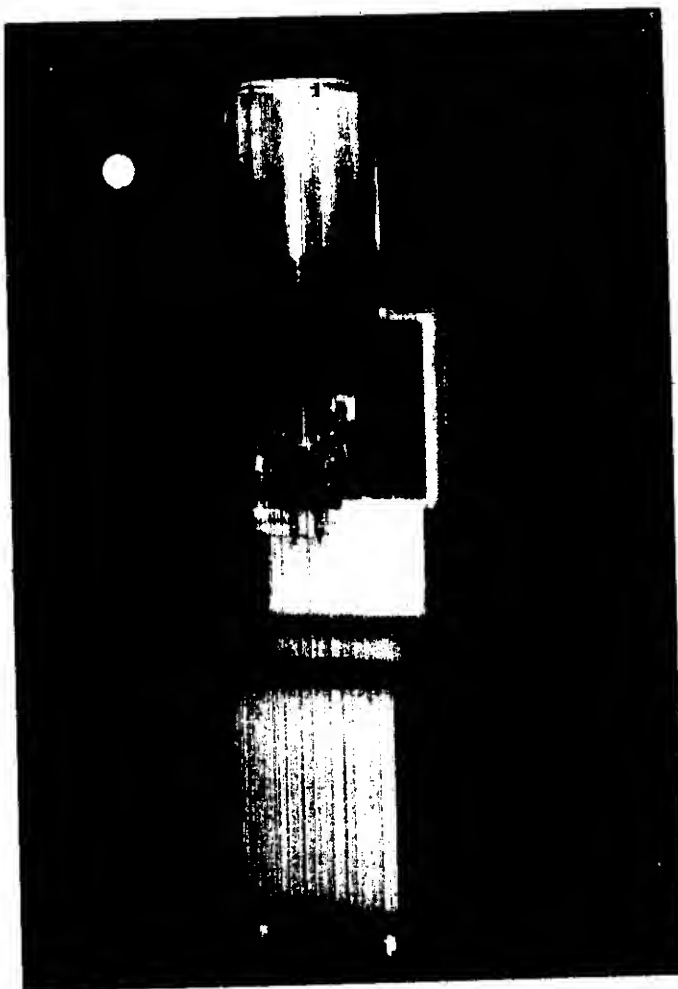
[F. No. WM-21(201)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 अगस्त, 2005

का.आ. 3121.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सनिरा एसोसिएट्स, प्रीसीटेक कम्पाउंड, 877/3/बी, जी आई डी सी माकरपुरा, बडोदरा-390010 (गुजरात), द्वारा विनिर्मित "सनफिल-1/6" श्रृंखला के स्वचालित भरण मशीन (पिस्टन फिलर) के मॉडल का, जिसके ब्राण्ड का नाम "सनफिल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/372 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक स्वचालित भरण मशीन (पिस्टन फिलर प्रकार) है। इसकी अधिकतम क्षमता 150 मि.ली. और न्यूनतम क्षमता 3 मि.ली. या समतुल्य भार है। इसकी अधिकतम भरण दर 50 थैली प्रति मिनट है। मशीन को अनुमापी श्यान द्रवों को भरने के लिए डिजाइन किया गया है।

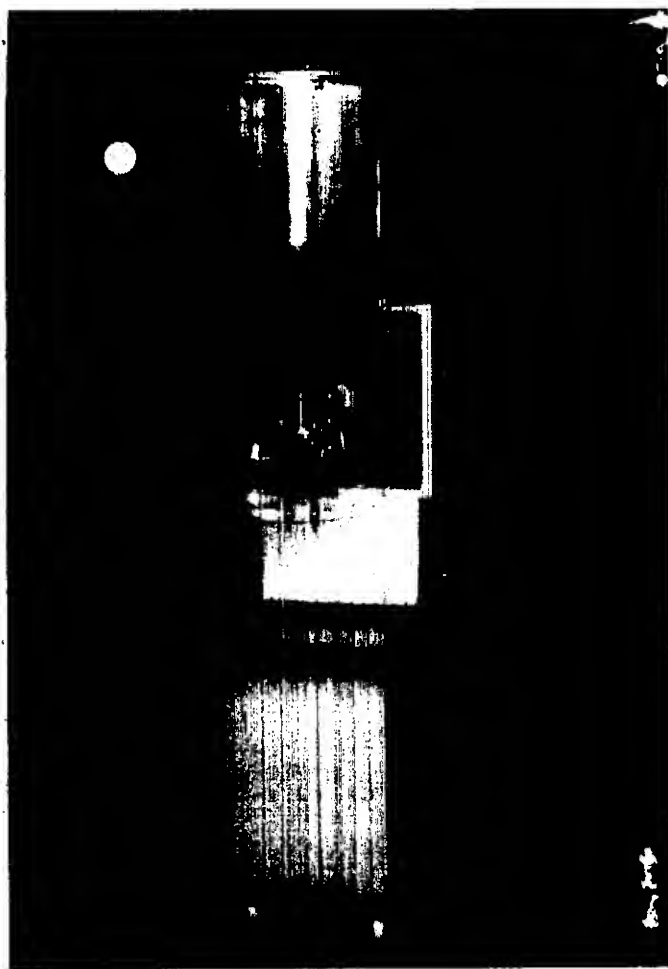
[फा.सं. डब्ल्यू. एम.-21(129)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2005

S.O. 3121.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic filling machine (Piston filler type) of Sanfil-I/6 series with brand name 'SANFIL' (hereinreferred to as the said Model), manufactured by M/s. Sanira Associates, Precitech Compound, 877/3/B, G.I.D.C., Makarpura, Vadodra-390 010, Gujarat and which is assigned the approval mark IND/09/2004/372.



The said Model is an automatic filling machine (Piston filler type). Its maximum capacity is 150 ml and minimum capacity is 3 ml or equivalent weight. It has a maximum fill rate of 50 pouches per minute. The machine is designed for filling volumetric viscous fluids.

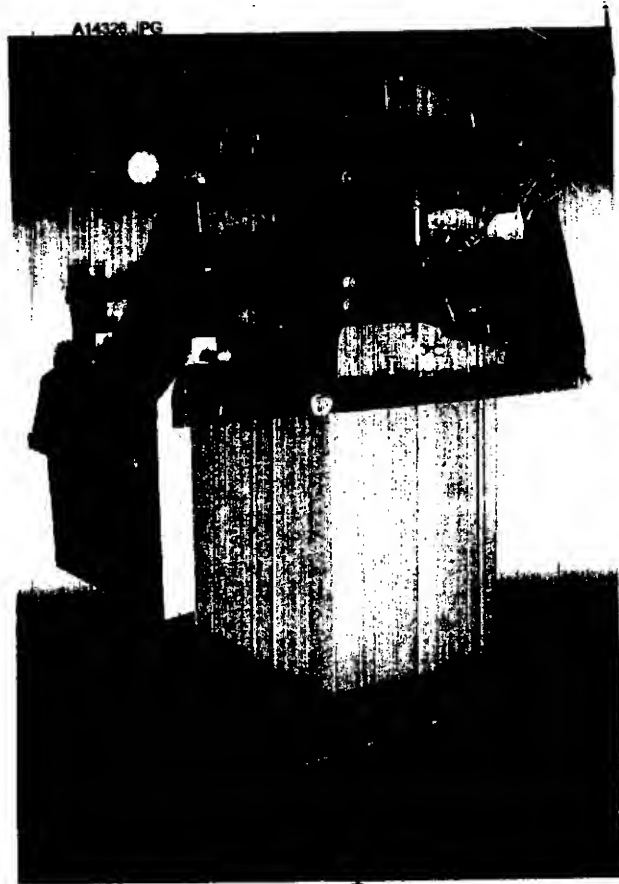
[F. No. WM-21(129)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 अगस्त, 2005

का.आ. 3122.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एवरी इंडिया लिमिटेड, प्लॉट सं० 50-59, सेक्टर-25, बल्लभगढ़-121004 हरियाणा, द्वारा विनिर्मित वाले "4901" शृंखला के स्वचालित भारमितीय भरण उपकरण के मॉडल का, जिसके ब्रांड का नाम "एवरी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/334 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल लीवर और तुलादण्ड आधारित यांत्रिक प्रकार का स्वचालित भारमितीय भरण उपकरण है। इसकी अधिकतम क्षमता 50 कि.ग्रा. है। इसमें तुलादण्ड के एक सिरे पर भार बाक्स और तुलादण्ड के दूसरे सिरे पर भार हूपर है। इसकी अधिकतम भरण दर 10 बैन प्रति मिनट है। मशीन को खाद्यान्न, चाय, चीनी, बीज, लवण आदि जैसे उत्पादों को भरने के लिए डिजाइन किया गया है।

स्टाम्पिंग प्लेट के सीलबंद के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किंवा जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 10 कि.ग्रा. से 100 कि.ग्रा. अधिकतम क्षमता वाले हैं।

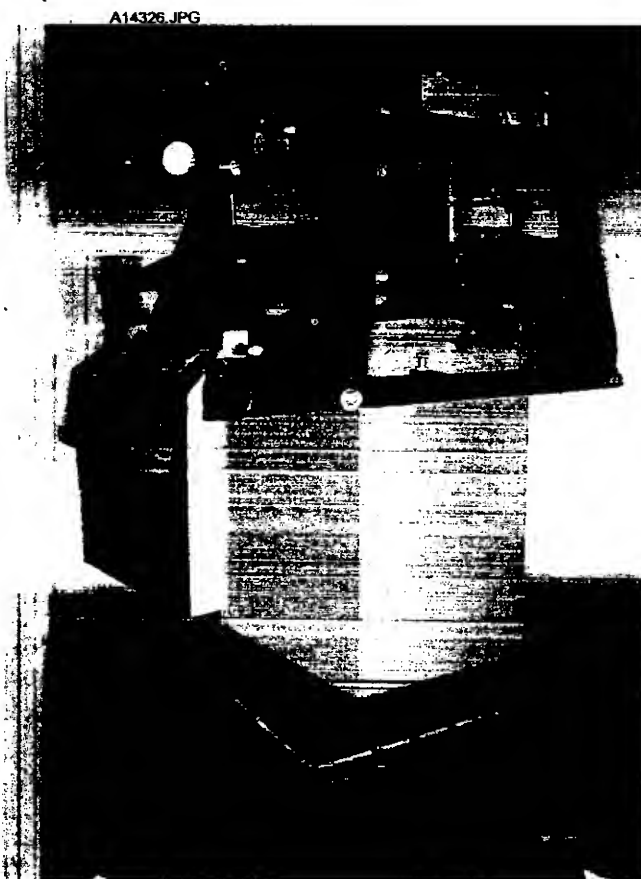
[फा.सं. डब्ल्यू. एम.-21(49)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2005

S.O. 3122.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic gravimetric filling instrument of '4901' series with brand name "AVERY" (herein referred to as the said model), manufactured by M/s. Avery India Limited, Plot No. 50-59, Sector-25, Ballabhgarh, Faridabad-121 004, Haryana and which is assigned the approval mark IND/09/05/334;



The said Model is a lever and beam based mechanical type automatic gravimetric filling instrument. Its maximum capacity is 50kg and minimum capacity is 10kg. It consists of weight box at one end of the beam and weigh hopper at the other end of the beam. It has a maximum fill rate of 10 bags per minute. The machine is designed for filling of products like food grains, tea, sugar, seeds, salts and the like etc.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of same series with maximum capacity in the range of 10kg to 100kg manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which the said approved Model has been manufactured.

[F. No. WM-21(49)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

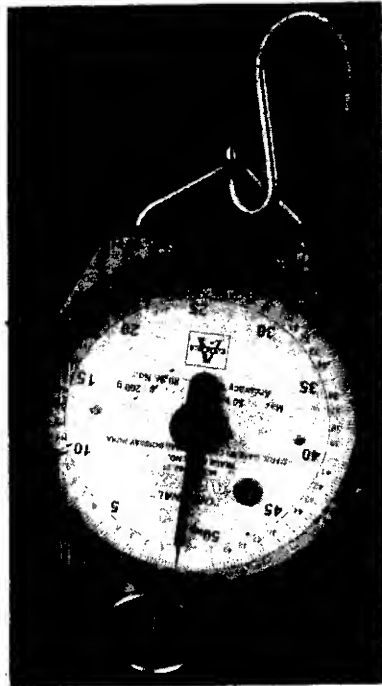
नई दिल्ली, 18 अगस्त, 2005

का.आ. 3123.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गणेश इंजीनियर्स एम आई उद्योग नगर, ब्लाक सं. ए/5, गॉड देव मार्ग, भायंदर (पूर्व) क्षेत्र-401105 महाराष्ट्र में निर्मित सामान्य दक्षकर्मता वर्ग (यथार्थता वर्ग-III) अस्वचालित, संदृश सूचन सहित तोलन उपकरण (स्प्रिंग संतुलन निलंबी प्रकार) के मॉडल जिसके शृंखला और ब्राण्ड का नाम "ऐपेक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन क्रि.आई.एन.डी/09/2004/468 सम्मनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक निलंबी प्रकार का स्प्रिंग आधारित अस्वचालित संदृश सूचन सहित तोलन उपकरण है। इसकी अधिकतम छमता 100 कि. ग्रा. और न्यूनतम क्षमता 5 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है।

स्टाम्पिंग प्लेट को सीलबंद के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यप्रदर्शन के तोलन उपकरण भी होंगे जो 500 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 1,000 तक की रेंज में सत्यापन मापमान अन्तराल (ई) सहित 50 कि.ग्रा. से 300 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं; और अंतर्गत या अणुनात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(229)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान।

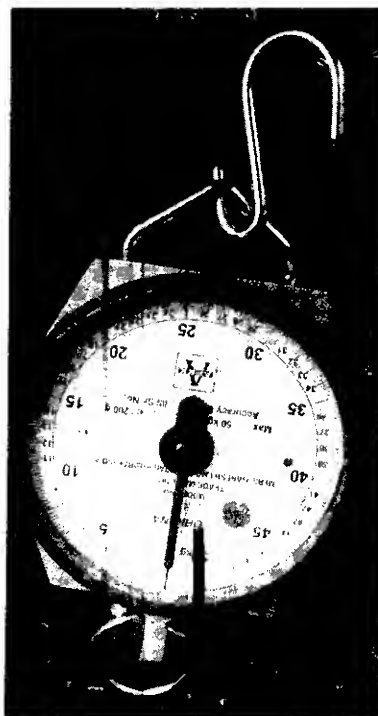
New Delhi, the 18th August, 2005

S.O. 3123.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Spring balance hanging type) with analogue indication of ordinary accuracy (accuracy class III) and with series and brand name "APPEX" (herein referred to as the said Model), manufactured by M/s. Ganesh Engineers, M.I. Udyog Nagar, Block No. A/5, God-Dev Road, Bhayandar (East), District-Thane-401 105, Maharashtra and which is as signed the approval mark IND/09/2004/468:

The said Model (See the figure given below) is a hanging type spring based non-automatic analogue weighing instrument with analogue indication and of a maximum capacity of 100 kg and minimum capacity of 5 kg. The verification scale interval (e) is 500g.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also be cover the weighing instrument of similar make, and performance of same series with maximum capacity in the range of 50 kg to 300 kg and with number of verification scale interval (n) in the range of 100 to 1,000 for 'e' value of 500g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(229)/2004]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2005

का.आ. 3124.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स फेयर पैक मशीनरी प्राइवेट लि., 1, तनतई परियार नगर, अयनवरम, चेन्नई-600 023 द्वारा विनिर्मित स्वचालित भरण मशीन (पिस्टन फिलर) वाले "एफ पी-पी आई" श्रृंखला के अंकक सूचन सहित मॉडल का, जिसके ब्राण्ड का नाम "फेअरपैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/695 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल स्वचालित भरण मशीन (पिस्टन फिलर) है। इसकी अधिकतम क्षमता 1000 ग्रा. है। इसकी अधिकतम भरण दर 10-30 भरत प्रति मिनट है। मशीन का वनस्पति तेल, ग्रीस, जैली, मुरब्बा, पेस्ट, दही, वनस्पति, मारग्रेन आदि जैसे अमुक्त बहाव वाले उत्पादों को भरने के लिए डिजाइन किया गया है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा प्रदाय पर कार्य करता है।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल, विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्वचालित भरण मशीन भी होंगे जो 2 ग्राम से 2 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

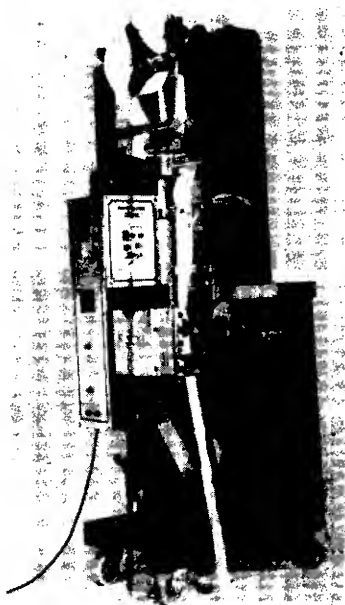
[फा.सं. डब्ल्यू. एम.-21(283)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2005

S.O. 3124.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic filling machine (Piston filler) with digital indication of 'FP-PI' series with brand name "Fairpack" (herein referred to as the said model), manufactured by M/s. Fair Pack Machineries Private Limited, 1, Thanthai Periar Nagar, Ayanavaram, Chennai-600 023 and which is assigned the approval mark IND/09/2003/695;



The said Model is an automatic filling machine (Piston Filler). Its maximum capacity is 1000g. It has a maximum fill rate of 10—30 fills per minute. The machine is designed for filling non free flowing liquid products like vegetable oils, grease, jelly, Jam, paste, curds, ghee, vanaspathi, margarine etc. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of same series with maximum capacity in the range of 2 g to 2 kg or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

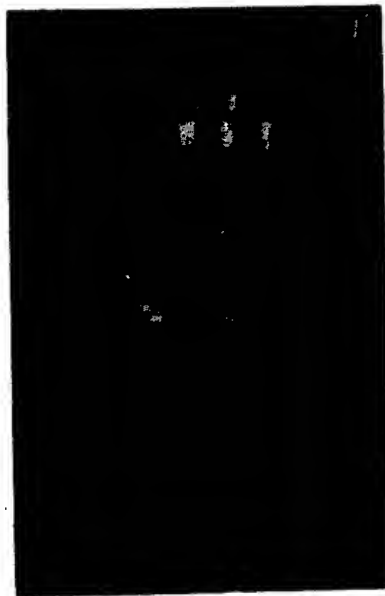
[F. No. WM-21(283)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2005

का.आ. 3125.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स फेयर पैक मशीनरी प्राइवेट लि., 1 तनतई परियार नगर, अयनवरम, चेन्नई, -600023 द्वारा विनिर्मित स्वचालित भरण मशीन (आगर फिलर) वाले "एफ पी-एम्" श्रृंखला के अंकक सूचन सहित मॉडल का, जिसके ब्राण्ड का नाम "फेअर पैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/696 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल स्वचालित भरण मशीन (ओगर फिलर) है। इसकी अधिकतम क्षमता क्षमता 1000 ग्रा. है। इसकी अधिकतम भरण दर 60 थैली प्रति मिनट है। मशीन को दूध पाउडर, काफ़ी पाउडर, गेहूं आटा, पीसे हुए मसाले, औषधि पाउडर, दन्त पाउडर, रसायन इत्यादि अमुक्त बहाव वाले उत्पादों को भरने के लिए डिजाइन किया गया है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्वचालित भरण मशीन भी होंगे जो 2 ग्राम से 2 कि.ग्राम. तक की रेंज की अधिकतम क्षमता वाले हैं।

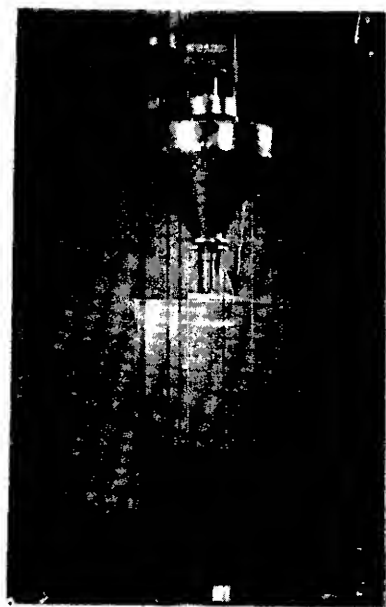
[फा.सं. डब्ल्यू. एम.-21(283)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2005

S.O. 3125.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic filling machine (Auger filler) with digital indication of 'FP-AU' series with brand name "Fairpack" (herein referred to as the said model), manufactured by M/s. Fair pack Machinaries Private Limited, 1, Thanthai Periar Nagar, Ayanavaram, Chennai-600 023 and which is assigned the approval mark IND/09/2003/696;



The said Model is an automatic filling machine (Auger Filler). Its maximum capacity is 1000g. It has a maximum fill rate of 60 pouches per minute. The machine is designed for filling non free flowing liquid products like milk powder, coffee powder, wheat flour, ground spices, pharmaceuticals powder, tooth powder, chemicals etc. The instrument operates on 230 Volts, AC 50 Hertz alternative current power supply.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of the same series with maximum capacity in the range of 2g to 2kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured

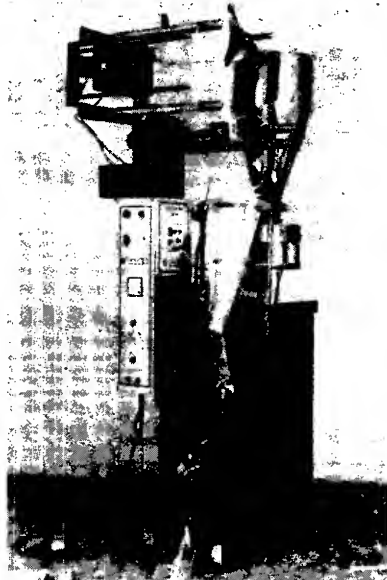
[F. No. WM-21(283)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 अगस्त, 2005

का.आ. 3126.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स फेयर पैक मशीनरी प्राइवेट लि., 1, तनतई परियार नगर, अयनवरम, चेन्नई, -600023 द्वारा विनिर्मित स्वचालित भरण मशीन (कप फिलर) वाले "एफ पी-सी यू" श्रृंखला के अंकक सूचन सहित मॉडल का, जिसके ब्राण्ड का नाम "फेअर पैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/697 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल स्वचालित भरण मशीन (ओगर फिलर) है। इसकी अधिकतम क्षमता 1000 ग्रा. है। इसकी अधिकतम भरण दर 30 भरण प्रति मिनट है। मशीन को चीनी, चावल, सूजी, कणी, डिटर्जेंट, बीज, कृषि उत्पादन, औषधि पाउडर इत्यादि अमुक्त बहाव वाले उत्पादों को भरने के लिए डिजाइन किया गया है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्वचालित भरण मशीन भी होंगे जो 2 ग्राम से 2 कि.ग्राम. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा.सं. डब्ल्यू. एम.-21(283)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2005

S.O. 3126.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic filling machine (Cup Filler) with digital indication of 'FP-CU' series with brand name "Fair pack" (herein referred to as the said model), manufactured by M/s. Fair Pack Machineries Private Limited, 1, Thanthai Periar Nagar, Ayanavaram, Chennai-600 023 and which is assigned the approval mark IND/09/2003/697;



The said model is an automatic filling machine (Cup Filler). Its maximum capacity is 1000g. It has a maximum fill rate of 30 fill per minute. The machine is designed for filling non free flowing liquid products like sugar rice, salt, suji, granuals, detergents, pharmaceuticals, seeds, agricultural products etc. The instrument operates on 230 Volts, AC 50 Hertz alternative current power supply.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of same series with maximum capacity in the range of 2g to 2kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(283)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 अगस्त, 2005

का. आ. 3127.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ 2728 तारीख 20 अक्टूबर, 2004, जो भारत के राजपत्र तारीख 30 अक्टूबर, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोणी (पुणे) से पकनी (सोलापुर) तक हज़ारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 06 दिसम्बर, 2004, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तालूका : मोहोळ		जिला : सोलापुर			राज्य : महाराष्ट्र				
क्रम सं.	गाव	का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल			
						हेक्टर	एयर	वर्ग मीटर	
1		2	3	4	5	6	7	8	
1	कोथाले			143		00	00	03	
				146		00	04	15	
				147		00	07	52	
				148		00	14	01	
				गट नंबर					
				148,147,146 और					
				143 के बीच में मेटल्ड		00	00	69	
				रास्ता					
				149		00	37	80	
				150		00	07	00	
				151		00	11	53	
				152		00	30	53	
				गट नंबर 152 और					
				164 के बीच		00	02	02	
				में सेवामार्ग					
				164		00	19	65	
				गट नंबर 164 और					
				165 के बीच		00	01	94	
				में रास्ता					
				165		00	13	73	
				166		00	11	90	
				167		00	07	33	
				168		00	01	98	
				169		00	05	30	
				170		00	12	54	
				171		00	07	60	
				172		00	06	55	
				173		00	06	50	
				174		00	03	33	
				गट नंबर					
				171,172,173 और					
				174 के बीच		00	02	06	
				में नाला					
		175		00	09	45			
		176		00	10	99			
		177		00	16	42			
		184		00	13	10			
		185		00	05	23			

तालूका : मोहोळ			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	कोथाले (निस्तार)		187		00	01	72
			186		00	06	34
कुल					02	78	94
2	अंकोली		गट नंबर 368,367				
			और गाँव सीमा के				
			कोथाले बीच में		00	02	97
			मेटल्ड रास्ता				
			368		00	00	81
			363		00	31	81
			365		00	18	00
			364		00	07	03
			362		00	12	86
			360		00	10	75
			359		00	26	49
			357		00	12	87
			356		00	11	94
			353		00	88	61
			गट नंबर 353				
			में नाला		00	03	19
			351		00	08	90
			352		00	05	63
			332		00	29	84
			404		00	31	08
			405		00	26	82
			406		00	15	10
			407		00	03	35
			325		00	40	84
			गट नंबर 325				
			में कनाल		00	04	91
			गट नंबर 325 में				
			नाला		00	01	60
			गट नंबर 325 और				
			324 के बीच में		00	02	25
			गाड़ी रास्ता				
			324		00	42	44
			323		00	08	39

तालूका : मोहोळ		जिला : सोलापुर			राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल			
					हेक्टर	एयर	वर्ग मीटर	
1	2	3	4	5	6	7	8	
2	अंकोली (निरंतर)		गट नंबर 323 और 270 के बीच में ड्रेन		00	02	13	
			गट नंबर 323 और 270 के बीच में अस्फालटेड रास्ता		00	02	34	
			270		00	20	56	
			271		00	47	34	
			283		00	23	21	
			284		00	23	21	
			288		00	18	87	
			गट नंबर 288 और 104 के बीच में मेटल्ड रास्ता		00	03	11	
			104		00	12	49	
			105		00	14	80	
			109		00	08	48	
			101		00	00	40	
			110		00	06	97	
			111		00	18	36	
			112		00	03	40	
			97		00	20	21	
			115		00	11	26	
			87		00	48	60	
			59		00	13	20	
			58		00	11	50	
			57		00	26	50	
			54		00	13	48	
			48		00	00	05	
			47		00	72	01	
					कुल	08	70	96
		3	कुठल		860		00	34
	861				00	74	39	
	862				00	12	39	
	859				00	38	22	

तालुका : मोहोळ		जिला : सोलापुर			राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	कुरुल (निरतर)		857		00	36	96
			845		00	52	00
			844		00	04	00
			गट नंबर 844 और 843 के बीच में गाडी रास्ता	}	00	08	64
			843		00	22	50
			842		00	12	24
			889		00	06	75
			गट नंबर 890 और 890 पै. में प्रमुख जिला मार्ग 57	}	00	05	76
			890 प		00	42	50
			892		00	00	20
			891		00	33	00
			गट नंबर 891 और 949 के बीच में गाडी रास्ता	}	00	14	40
			949		00	00	41
			947		00	73	42
			गट नंबर 947 और 943 के बीच में सलंगन कनाल	}	00	05	50
			943		00	05	92
			गट नंबर 943 और 942 के बीच में सलंगन कनाल	}	00	07	52
			942		00	18	40
			1082		00	00	45
			1083		00	04	84
			1084		00	12	18
			1085		00	21	30
			1088		00	01	50
			1091 पै		00	10	84
			1089		00	00	61
			1090		00	32	67

तालूका : मोहोळ			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	कुठल (निरंतर)		गट नंबर 1090 और 21 के बीच में राज्य मार्ग 149		00	03	61
			21		00	21	20
			22		00	05	24
			गट नंबर 22 और 24 के बीच में नाला		00	05	96
			24		00	23	93
			25		00	49	88
			31		00	61	93
			32		00	07	05
			गट नंबर 32 और 127 के बीच की भूमि		00	12	89
			127		00	03	84
			126		00	50	24
			123		00	00	36
			122		00	27	00
			120		00	17	81
			119		00	11	00
			137		00	01	58
			140		00	16	00
			138		00	05	16
			139		00	11	05
			116		00	01	00
			142		00	10	00
			141		00	09	02
			गट नंबर 141 और 142 के बीच में अस्फाल्टेड रास्ता		00	03	01
			144		00	41	92
			148		00	49	95
			151		00	12	00
			150		00	48	42
			149		00	00	10
कुल					11	05	28

तालूका : मोहोळ		जिला : सोलापुर			राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गुट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
4	काटेवाडी		237		00	53	34
			238		00	06	51
			236		00	19	64
			233		00	24	52
			232		00	19	44
			231		00	15	48
			229		00	28	69
			228		00	20	50
			227		00	27	78
			212		00	00	52
			226		00	51	49
			225		00	30	32
			224		00	19	47
			कुल		03	17	70
5	विरवडे बुद्रूक		385		00	01	84
			386		00	24	06
			387		00	15	07
			388		00	06	05
			381		00	07	60
			392		00	04	91
			393		00	04	47
			394		00	03	54
			गुट नंबर				
			388,381,392,393,39		00	01	86
			4,395 और 396 के बीच में मेटल्ड रास्ता				
			395		00	12	33
			396		00	15	40
			397		00	15	45
			399		00	12	38
			400		00	14	99
			404		00	25	29
			406		00	34	29
			420		00	27	30
			421		00	08	61
			419		00	06	96
			422		00	37	17
			423		00	08	43
			424		00	11	81

तालुका : मोहोळ		जिला : सोलापुर		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
5	विरवडे बुद्रूक (निरंतर)		425		00	08	36
			426		00	13	41
			427		00	27	02
			442		00	06	24
			गट नंबर 442 और गाँव सीमा पोफली के बीच में सिना नदी		00	10	56
			कुल	03	65	40	
6	पोफली		गट नंबर 151 और गाँव सीमा विरवडे बु. केबीच में सिना नदी		00	14	37
			151		00	19	02
			150		00	19	51
			149		00	19	44
			148		00	06	29
			147		00	09	48
			145		00	11	76
			143		00	14	00
			142		00	16	42
			141		00	13	50
			138		00	01	86
			140		00	02	14
			139		00	53	07
			135		00	12	90
			134		00	49	99
			133		00	00	24
			131		00	54	71
			127		00	08	00
			117		00	22	03
			गट नंबर 117, 118 और 119 के बीच में नाला		00	00	91
			118		00	08	85
	119		00	08	14		
	120		00	10	80		
	121		00	28	00		
	123		00	17	64		

तालूका : मोहाळ		जिला : सालापुर			राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर वर्ग	मीटर
1	2	3	4	5	6	7	8
6	पोफली (निरंतर)		122		00	03	38
			गट नंबर 123 और 122 के बीच की जलबटवारा नलीका		00	04	67
			98		00	18	50
				कुल	04	49	62
7	विस्वडे खुर्द		गट नंबर 28 और गाँव सीमा पोफली के बीच में नाला		00	02	81
			28		00	25	78
			29		00	21	75
			गट नंबर 29 में जलबटवारा नलीका		00	01	50
			30		00	01	37
			43		01	07	70
			गट नंबर 43 में प्रमुख जलबटवारा नलीका		00	02	82
			35		00	11	15
			42		00	01	10
			41		00	07	45
			40		00	08	22
			39		00	25	10
			88		00	14	30
			89		00	16	79
			90		00	10	63
			91		00	10	57
			गट नंबर 92 में प्रमुख जिला मार्ग 33		00	02	95
			92		00	05	61
			93		00	01	81
			94		00	03	45
			95		00	04	97
			96		00	06	31
			97		00	11	52
			98		00	04	33
			99		00	04	23
			100		00	09	94

तालुका : मोहोळ		जिला : सोलापुर			राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
7	विरवडे खुदे (निरतर)		101		00	13	13
			102		00	05	20
			103		00	04	95
			104		00	07	01
			105		00	05	83
			106		00	07	83
			107		00	06	74
			108		00	07	39
			109		00	04	36
			110		00	05	14
			111		00	07	34
			114		00	04	92
			112		00	34	67
कुल					04	38	67

[फा. सं. आर-31015/23/2004-ओ.आर.-II]

हरीश कुमार, अवर साचव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 29th August, 2005

S. O. 3127.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2728, dated the 20th October, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 30th October, 2004, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 6th December, 2004;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Taluka : MOHOL		District : SOLAPUR			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	KOTHALE		143		00	00	03
			146		00	04	15
			147		00	07	52
			148		00	14	01
			Metalled Road in between Gat No 148, 147, 146 and 143		00	00	69
			149		00	37	80
			150		00	07	00
			151		00	11	53
			152		00	30	53
			Service Road in between Gat No 152 & 164		00	02	02
			164		00	19	65
			Road in between Gat No 164 & 165		00	01	94
			165		00	13	73
			166		00	11	90
			167		00	07	33
			168		00	01	98
			169		00	05	30
			170		00	12	54
			171		00	07	60
			172		00	06	55
			173		00	06	50
			174		00	03	33
			Nala in between Gat No 171, 172, 173 & 174		00	02	06
			175		00	09	45
			176		00	10	99
			177		00	16	42
			184		00	13	10
			185		00	05	23

Taluka : MOHOL		District : SOLAPUR			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
1	2	3	4	5	Hectare	Are	Sq.mt
1	KOTHALE (Contd.)		187		00	01	72
			186		00	06	34
			Total		02	78	94
2	ANKOLI		Metalled Road in between V.B. & Gat No 368,367 }				
			368		00	00	81
			363		00	31	81
			365		00	18	00
			364		00	07	03
			362		00	12	86
			360		00	10	75
			359		00	26	49
			357		00	12	87
			356		00	11	94
			353		00	88	61
			Nala in Gat No 353 }		00	03	19
			351		00	08	90
			352		00	05	63
			332		00	29	84
			404		00	31	08
			405		00	26	82
			406		00	15	10
			407		00	03	35
			325		00	40	84
			Canal in Gat No 325 }		00	04	91
			Nala in Gat No 325 }		00	01	60
			Cart Track in between Gat No 325 & 324 }		00	02	25
			324		00	42	44
			323		00	08	39

Taluka : MOHOL			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	ANKOLI (Contd.)		Drain in between Gat No 323 & 270		00	02	13
			Asphalted Road in between Gat No 323 & 270		00	02	34
			270		00	20	56
			271		00	47	34
			283		00	23	21
			284		00	23	21
			288		00	18	87
			Metalled Road in between Gat No 288 & 104		00	03	11
			104		00	12	49
			105		00	14	80
			109		00	08	48
			101		00	00	40
			110		00	06	97
			111		00	18	36
			112		00	03	40
			97		00	20	21
			115		00	11	26
			87		00	48	60
			59		00	13	20
			58		00	11	50
			57		00	26	50
			54		00	13	48
			48		00	00	05
			47		00	72	01
Total					08	70	96
3	KURUL		860		00	34	62
			861		00	74	39
			862		00	12	39
			859		00	38	22

Taluka : MOHOL			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
3	KURUL (Contd.)		857		00	36	96
			845		00	52	00
			844		00	04	00
			Cart Track in between Gat No 844 & 843		00	08	64
			843		00	22	50
			842		00	12	24
			889		00	06	75
			MDR - 57 in between Gat No 890 & 890(P)		00	05	76
			890 (P)		00	42	50
			892		00	00	20
			891		00	33	00
			Cart Track in between Gat No 891 & 949		00	14	40
			949		00	00	41
			947		00	73	42
			Unlined Canal in between Gat No 947 & 943		00	05	50
			943		00	05	92
			Unlined Canal in between Gat No 943 & 942		00	07	52
			942		00	18	40
			1082		00	00	45
			1083		00	04	84
			1084		00	12	18
			1085		00	21	30
			1088		00	01	50
			1091 (P)		00	10	84
			1089		00	00	61
			1090		00	32	67

Taluka : MOHOL			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
3	KURUL (Contd.)		SH - 149 in between Gat No 1090 & 21		00	03	61
			21		00	21	20
			22		00	05	24
			Nala in between Gat No 22 & 24		00	05	96
			24		00	23	93
			25		00	49	88
			31		00	61	93
			32		00	07	05
			Area in between Gat No 32 & 127		00	12	89
			127		00	03	84
			126		00	50	24
			123		00	00	36
			122		00	27	00
			120		00	17	81
			119		00	11	00
			137		00	01	58
			140		00	16	00
			138		00	05	16
			139		00	11	05
			116		00	01	00
			142		00	10	00
			141		00	09	02
			Asphalted Road in between Gat No 141 & 142		00	03	01
			144		00	41	92
			148		00	49	95
			151		00	12	00
			150		00	48	42
			149		00	00	10
Total					11	05	28

Taluka : MOHOL		District : SOLAPUR			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
4	KATEVADI		237		00	53	34
			238		00	06	51
			236		00	19	64
			233		00	24	52
			232		00	19	44
			231		00	15	48
			229		00	28	69
			228		00	20	50
			227		00	27	78
			212		00	00	52
			226		00	51	49
			225		00	30	32
			224		00	19	47
		Total					03
5	VIRVADE BUDRUKH		385		00	01	84
			386		00	24	06
			387		00	15	07
			388		00	06	05
			381		00	07	60
			392		00	04	91
			393		00	04	47
			394		00	03	54
			Metalled Road in between Gat No 388,381,392,393, 394,395 & 396		00	01	86
			395		00	12	33
			396		00	15	40
			397		00	15	45
			399		00	12	38
			400		00	14	99
			404		00	25	29
			406		00	34	29
			420		00	27	30
			421		00	08	61
			419		00	06	96
			422		00	37	17
	423		00	08	43		
	424		00	11	81		

Taluka : MOHOL		District : SOLAPUR		State : MAHARASHTRA				
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area			
					Hectare	Are	Sq.mt	
1	2	3	4	5	6	7	8	
5	VIRVADE BUDRUKH (Contd.)		425		00	08	36	
			426		00	13	41	
			427		00	27	02	
			442		00	06	24	
			Sina River in between Gat No 442 & V.B. of Pophli		00	10	56	
Total					03	65	40	
6	POPHLI		Sina River in between Gat No 151 & V.B. of Virvade Bk.		00	14	37	
			151		00	19	02	
			150		00	19	51	
			149		00	19	44	
			148		00	06	29	
			147		00	09	48	
			145		00	11	76	
			143		00	14	00	
			142		00	16	42	
			141		00	13	50	
			138		00	01	86	
			140		00	02	14	
			139		00	53	07	
			135		00	12	90	
			134		00	49	99	
			133		00	00	24	
			131		00	54	71	
			127		00	08	00	
			117		00	22	03	
			Nala in between Gat No 117, 118 & 119		00	00	91	
			118		00	08	85	
			119		00	08	14	
			120		00	10	80	
			121		00	28	00	
			123		00	17	64	

Taluka : MOHOL		District : SOLAPUR			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Acre	Sq.mt
1	2	3	4	5	6	7	8
6	POPHLI (Contd.)		122		00	03	38
			Distributary in between Gat No 123 & 122	}	00	04	67
			98		00	18	50
Total					04	49	62
7	VIRVADE KHURD		Nala in between V.B. of Pophli & Gat No 28	}	00	02	81
			28		00	25	78
			29	}	00	21	75
			Distributary in Gat No 29		00	01	50
			30	}	00	01	37
			43		01	07	70
			Major Lined Distributary in Gat No 43	}	00	02	82
			35		00	11	15
			42	}	00	01	10
			41		00	07	45
			40	}	00	08	22
			39		00	25	10
			88	}	00	14	30
			89		00	16	79
			90	}	00	10	63
			91		00	10	57
			MDR - 33 in Gat No 92	}	00	02	95
			92		00	05	61
			93	}	00	01	81
			94		00	03	45
			95	}	00	04	97
			96		00	06	31
			97	}	00	11	52
			98		00	04	33
			99	}	00	04	23
			100		00	09	94

Taluka : MOHOL		District : SOLAPUR			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
7	VIRVADE KHURD (Contd.)		101		00	13	13
			102		00	05	20
			103		00	04	95
			104		00	07	01
			105		00	05	83
			106		00	07	83
			107		00	06	74
			108		00	07	39
			109		00	04	36
			110		00	05	14
			111		00	07	34
			114		00	04	92
			112		00	34	67
Total					04	38	67

[No. R-31015/23/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 29 अगस्त, 2005

का.आ. 3128.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 931 तारीख 4 मार्च, 2005, जो भारत के राजपत्र तारीख 12 मार्च, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 16 मई, 2005 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : पलवल	जिला : फरीदाबाद	राज्य : हरियाणा	
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	रायदसका	43/ 11	0.0710
		19	0.0010
		20	0.1150
		21	0.0100
		22	0.1050
		44/ 4	0.0270
		5	0.0880
		6	0.1090
		15	0.0180
		46/ 2	0.1015
		3	0.0110
		8	0.1125
		9	0.0025
		13	0.0760
		14	0.0385
		17	0.1150
		24	0.0470
		25	0.0025
		62/ 10	0.0585
		11	0.1170
		19	0.0810
		20	0.0360
		22	0.1145
		23	0.0025
		63/ 5	0.1170
		6	0.0585
		67/ 2	0.0100
		3	0.0860
		7	0.0055
		8	0.1125
		14	0.1050
		16	0.0030
		17	0.1040
		24	0.0140
		25	0.0585
		80/ 11	0.0155
		20	0.0915
		21	0.1015
		81/ 5	0.1015
		6	0.1015
		15	0.0860
		85/ 1	0.1015
		9	0.0510
		10	0.0430
		12	0.1015
		19	0.1015

1	2	3	4
1.	रायदसका (जारी...)	85/ 22	0.0885
		23	0.0130
		93/ 3	0.0885
		8	0.1015
		13	0.0760
		17	0.0508
		18	0.0508
		24	0.1015
		97/ 4	0.1015
		6	0.0080
		7	0.0990
		14	0.0130
		15	0.0760
		16	0.0070
		122 (नाला)	0.0230
		123 (रास्ता)	0.0080
		141 (रास्ता)	0.0230
		148 (रास्ता)	0.0280
		202 (रास्ता)	0.0130
2.	रुन्धी	6/ 7	0.0330
		14	0.0935
		17	0.0935
		24	0.0935
		9/ 4	0.0935
		7	0.0935
		14	0.0935
		17	0.0935
		24	0.0935
		17/ 4	0.0860
		7	0.0935
		14	0.0935
		17	0.0935
		24	0.0935
		20/ 4	0.0935
		7	0.0935
		14	0.0935
		17	0.0935
		24	0.0935
		29/ 4	0.0935
		7	0.0935
		14	0.0860
		17	0.0935
		24	0.0935
		34/ 4	0.0835
		7	0.0935
		14	0.1190
		16	0.0860
		17	0.0330
		25	0.1190
		44/ 1	0.1040

1	2	3	4
2.	रुन्धी	44/ 9	0.0050
		10	0.1065
		11	0.0075
		12	0.1115
		18	0.0280
		19	0.0915
		22	0.0030
		23	0.1190
		45/ 5	0.0180
		50/ 3	0.0685
		4	0.0470
		7	0.0940
		14	0.0355
		15	0.0470
		16	0.0940
		25	0.0355
		51/ 21	0.0835
		61/ 1	0.1190
		9	0.0990
		10	0.0205
		12	0.1090
		18	0.1140
		19	0.0075
		23	0.0960
		24	0.0010
		66/ 3	0.0025
		4	0.1190
		6	0.0050
		7	0.0885
		15	0.1165
		16	0.0305
		67/ 20	0.0330
		21	0.1190
		76/ 1	0.0355
		2	0.0550
		9	0.1190
		12	0.0305
		13	0.0810
		18	0.1140
		23	0.0105
		24	0.1050
		80/ 4	0.0910
		6	0.1080
		7	0.0025
		15/ 1	0.0600
		15/ 2	0.0210
		81/ 20	0.1190
		21	0.0635
		22	0.0050
		85/ 2	0.1190

1	2	3	4
2.	रुन्धी (जारी...)	85/ 8	0.0150
		9	0.0530
		13	0.1190
		17	0.0490
		18	0.0410
		24	0.0960
		88/ 4	0.0100
		212 (रास्ता)	0.0105
		213 (रास्ता)	0.0075
3.	सेलौटी	12/ 10	0.0040
		11	0.0730
		12	0.0240
		19	0.0965
		20	0.0050
		22	0.1015
		15/ 2	0.1015
		9	0.0960
		12	0.0410
		13	0.0380
		18	0.1015
		23	0.0935
		26/ 3	0.0935
		8	0.0305
		13	0.0935
		18	0.0935
		23	0.0935
		29/ 3	0.0935
		8	0.0935
		13	0.0505
		18	0.0860
		23	0.0885
		41/ 3	0.0935
		8	0.0935
		13	0.0885
		18	0.0935
		23	0.0935
		44/ 3	0.0935
		8	0.0935
		13	0.0935
		18	0.0935
		23	0.0935
		56/ 3	0.0935
		8	0.0935
		13	0.0935
		18	0.0860
		23	0.0410
		58/ 3	0.0585
		8	0.0560
		13	0.0550
		18	0.0380

1	2	3	4
3.	सेलौटी	87 (होडल राजवाह)	0.0610
		89 (रास्ता)	0.0260
		91 (रास्ता)	0.0610
4.	नांगल ब्रह्मन	23/ 23	0.0450
		34/ 3	0.0330
		8	0.0105
		13	0.0025
		17	0.0010
		24	0.0260
		35/ 4	0.0620
		7	0.0835
		14	0.0935
		17	0.0935
		24	0.0685
		44/ 4	0.0935
		7	0.0935
		14	0.0935
		17	0.0935
		24	0.0935
		45/ 4	0.0935
		7	0.0760
		14	0.0020
		69 (रास्ता)	0.0200
		61 (नाला)	0.0255
5.	छज्जूनगर	8/ 23	0.0050
		15/ 3	0.0735
		8	0.1015
		13	0.1015
		18	0.1015
		23	0.1015
		18/ 3	0.1015
		8	0.1015
		13	0.1015
		18	0.1015
		23	0.1015
		27/ 3	0.0930
		4	0.0020
		7	0.0450
		8	0.0585
		13	0.0255
		14	0.0865
		17	0.0960
		24	0.0860
		30/ 4	0.1015
		7	0.1015
		14	0.0615
		15	0.0400
		16	0.1015
		17	0.0010
		25	0.1015

1	2	3	4
5.	छज्जूनगर (जारी....)	38/ 10	0.0110
		11	0.0855
		20	0.1015
		21	0.1015
		39/ 5	0.1015
		6	0.0830
		15	0.0105
		43/ 1	0.0960
		2	0.0010
		9/1	0.0110
		9/2	0.0585
		10	0.0230
		12	0.1015
		19	0.1015
		22	0.0885
		48/ 2	0.0505
		3	0.0505
		8	0.1015
		13	0.1015
		18	0.1015
		23	0.0720
		24	0.0240
		51/ 3	0.0050
		4	0.0965
		7	0.0885
		14	0.1015
		16	0.0040
		17	0.0915
		24	0.0180
		25	0.0835
		56/ 5	0.1015
		6	0.1015
		15	0.0990
		16	0.0330
		55/ 11	0.0010
		20/1	0.0685
		21	0.1015
		59/ 1	0.1015
		10	0.0940
		111 (नाला)	0.0810
		126 (रास्ता)	0.0130
		304 (रास्ता)	0.0055
		305 (रास्ता)	0.0130
6.	रोनिजा	4/ 10	0.0530
		11	0.0990
		20	0.0990
		21	0.0990
		11/ 1	0.0990
		10	0.0990
		11	0.0870

1	2	3	4
6.	रोनिजा (जारी....)	11/ 12	0.0120
		19	0.0260
		20	0.0500
		21	0.0300
		22	0.0680
		16/ 1	0.0070
		2	0.0920
		9	0.0990
		12	0.0990
		19	0.0990
		22	0.0990
		23/ 2	0.0990
		9	0.0990
		12	0.0990
		19	0.0990
		22	0.0990
		28/ 2	0.0580
		9	0.0785
		12/1	0.0120
		12/2	0.0240
		19	0.1015
		22	0.0935
		23	0.0025
		34/ 2	0.0690
		3	0.0125
		8	0.0500
		9	0.0170
		13	0.0740
		18	0.0860
		23	0.0710
		48 (नाला)	0.0010
		49 (नाला)	0.0030
		53 (रास्ता)	0.0505
7.	किठवाड़ी	41/ 6	0.1090
		15	0.1090
		16	0.1090
		24	0.0280
		25	0.0810
		44/ 4	0.0990
		5	0.0100
		7	0.1015
		14	0.1015
		15	0.0025
		16	0.0180
		17	0.0585
		24	0.0155
		25	0.0510
		58/ 4	0.0055
		5	0.0960
		6	0.1015

1	2	3	4
7.	किठवाड़ी (जारी....)	58/ 15	0.1015
		16	0.1015
		25	0.1015
		63/ 5	0.1015
		6	0.1015
		15	0.1015
		16	0.1015
		25	0.1015
		73/ 5	0.1015
		6	0.0940
		15	0.0635
		16	0.0330
		25	0.0055
		72/ 11	0.0020
		20	0.0510
		21	0.0940
		79/ 1	0.1015
		10	0.1015
		11	0.1015
		20/1	0.0610
		20/2	0.0410
		21	0.1015
		85/ 1	0.1015
		10	0.0610
		94 (हथीन राजवाह)	0.0610
8.	मांदकौल	6/ 3	0.0440
		8	0.1165
		13/1	0.0155
		13/2	0.0070
		14	0.0090
		17	0.1190
		24	0.0400
		10/ 5	0.1040
		6/1	0.0240
		6/3	0.0205
		6/4	0.0025
		11/ 11	0.0620
		20	0.0885
		21	0.0025
		22	0.0180
		18/ 2	0.0860
		8	0.0040
		9	0.0025
		13	0.0810
		18/1	0.0100
		284 (रास्ता)	0.0185
9.	सोफताका	5/ 1	0.1490
		2	0.1189
		6/ 2	0.0070
		3	0.0800

1	2	3	4
9.	सीफताका (जारी...)	6/ 4	0.1340
		5	0.1490
		7	0.0020
		8	0.0680
		9	0.1265
		10	0.1490
		7/ 6	0.1490
		7	0.0580
10.	हरफली	9/ 24	0.0110
		25	0.0580
		10/ 21/1	0.0102
		21/2	0.1320
		22	0.1465
		23	0.1465
		24	0.1465
		25	0.1465
		11/ 21/1	0.1430
		21/2	0.0065
		22/2	0.0180
		23	0.0685
		17/ 1	0.1465
		2	0.1465
		3	0.1265
		4	0.0860
		5	0.0405
		18/ 1	0.0490
		2/1	0.0580
		2/2	0.0225
		2/3	0.0480
		2/4	0.0175
		3	0.1465
		4	0.1465
		5	0.1465
		10	0.0455
		19/ 5	0.0150
		6	0.0740
		7	0.0885
		86 (रास्ता)	0.0100
		92 (रास्ता)	0.0180
11.	सहराला	8/ 14	0.0870
		15	0.0530
		17	0.0585
		18	0.0030
		23	0.0770
		24	0.0105
		9/ 11	0.0935
		12	0.1390
		13	0.1470
		14	0.1470
		15	0.1350

1	2	3	4
11.	सहराला (जारी...)	10/ 11	0.1400
		12	0.1290
		13	0.0510
		14	0.0260
		16	0.0535
		17	0.0125
		11/ 16	0.1470
		17	0.1470
		18	0.1470
		19	0.1320
		20/1	0.0330
		20/2	0.0605
		12/ 18	0.0570
		19	0.1065
		20	0.1470
		22	0.0025
		23	0.0255
		77 (रास्ता)	0.0180
12.	बेला	44/ 15	0.0025
		16	0.0910
		25	0.1015
		45/ 5	0.0470
		46/ 1	0.0505
		10/1	0.0385
		10/2	0.0635
		11	0.1015
		20	0.0910
		19/2	0.0075
		21	0.0040
		22/1	0.0470
		22/2	0.0370
		63/ 2	0.1015
		9	0.1015
		12	0.0380
		13	0.0155
		297 (रास्ता)	0.0050
		298 (रास्ता)	0.0050
		299 (रास्ता)	0.0050

New Delhi, the 29th August, 2005

S. O. 3123.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 931, dated the 4th March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 12th March, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 16th May, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL: PALWAL		DISTRICT: FARIDABAD	STATE: HARYANA
S.NO.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1.	RAIDHASKA	43/ 11	0.0710
		19	0.0010
		20	0.1150
		21	0.0100
		22	0.1050
		44/ 4	0.0270
		5	0.0880
		6	0.1090
		15	0.0180
		46/ 2	0.1015
		3	0.0110
		8	0.1125
		9	0.0025
		13	0.0760
		14	0.0385

1	2	3	4
1.	RAIDHASKA (Contd...)	46/ 17	0.1150
		24	0.0470
		25	0.0025
		62/ 10	0.0585
		11	0.1170
		19	0.0810
		20	0.0360
		22	0.1145
		23	0.0025
		63/ 5	0.1170
		6	0.0585
		67/ 2	0.0100
		3	0.0860
		7	0.0055
		8	0.1125
		14	0.1050
		16	0.0030
		17	0.1040
		24	0.0140
		25	0.0585
		80/ 11	0.0155
		20	0.0915
		21	0.1015
		81/ 5	0.1015
		6	0.1015
		15	0.0860
		85/ 1	0.1015
		9	0.0510
		10	0.0430
		12	0.1015
		19	0.1015
		22	0.0885
		23	0.0130
		93/ 3	0.0885
		8	0.1015
		13	0.0760
		17	0.0508
		18	0.0508
		24	0.1015
		97/ 4	0.1015
		6	0.0080
		7	0.0990
		14	0.0130
		15	0.0760
		16	0.0070
		122 (Drain)	0.0230
		123 (Rasta)	0.0080
		141 (Rasta)	0.0230
		148 (Rasta)	0.0280
		202 (Rasta)	0.0130

1	2	3	4
2.	RUNDHI	6/ 7	0.0330
		14	0.0935
		17	0.0935
		24	0.0935
		9/ 4	0.0935
		7	0.0935
		14	0.0935
		17	0.0935
		24	0.0935
		17/ 4	0.0860
		7	0.0935
		14	0.0935
		17	0.0935
		24	0.0935
		20/ 4	0.0935
		7	0.0935
		14	0.0935
		17	0.0935
		24	0.0935
		29/ 4	0.0935
		7	0.0935
		14	0.0860
		17	0.0935
		24	0.0935
		34/ 4	0.0835
		7	0.0935
		14	0.1190
		16	0.0860
		17	0.0330
		25	0.1190
		44/ 1	0.1040
		9	0.0050
		10	0.1065
		11	0.0075
		12	0.1115
		18	0.0280
		19	0.0915
		22	0.0030
		23	0.1190
		45/ 5	0.0180
		50/ 3	0.0685
		4	0.0470
		7	0.0940
		14	0.0355
		15	0.0470
		16	0.0940
		25	0.0355
		51/ 21	0.0835
		61/ 1	0.1190
		9	0.0990

1	2	3	4
2.	RUNDHI (Contd...)	61/ 10	0.0205
		12	0.1090
		18	0.1140
		19	0.0075
		23	0.0960
		24	0.0010
		66/ 3	0.0025
		4	0.1190
		6	0.0050
		7	0.0885
		15	0.1165
		16	0.0305
		67/ 20	0.0330
		21	0.1190
		76/ 1	0.0355
		2	0.0550
		9	0.1190
		12	0.0305
		13	0.0810
		18	0.1140
		23	0.0105
		24	0.1050
		80/ 4	0.0910
		6	0.1080
		7	0.0025
		15/1	0.0600
		15/2	0.0210
		81/ 20	0.1190
		21	0.0635
		22	0.0050
		85/ 2	0.1190
		8	0.0150
		9	0.0530
		13	0.1190
		17	0.0490
		18	0.0410
		24	0.0960
		88/ 4	0.0100
		212 (Rasta)	0.0105
		213/ (Rasta)	0.0075
3.	SILAUTI	12/ 10	0.0040
		11	0.0730
		12	0.0240
		19	0.0965
		20	0.0050
		22	0.1015
		15/ 2	0.1015
		9	0.0960
		12	0.0410
		13	0.0380

1	2	3	4
3.	SILAUTI (Contd...)	15/ 18	0.1015
		23	0.0935
		26/ 3	0.0935
		8	0.0305
		13	0.0935
		18	0.0935
		23	0.0935
		29/ 3	0.0935
		8	0.0935
		13	0.0505
		18	0.0860
		23	0.0885
		41/ 3	0.0935
		8	0.0935
		13	0.0885
		18	0.0935
		23	0.0935
		44/ 3	0.0935
		8	0.0935
		13	0.0935
		18	0.0935
		23	0.0935
		56/ 3	0.0935
		8	0.0935
		13	0.0935
		18	0.0860
		23	0.0410
		58/ 3	0.0585
		8	0.0560
		13	0.0550
		18	0.0380
		87 (Hodal Minor)	0.0610
		89 (Rasta)	0.0260
		91 (Rasta)	0.0610
4.	NANGAL BRAHMAN	23/ 23	0.0450
		34/ 3	0.0330
		8	0.0105
		13	0.0025
		17	0.0010
		24	0.0260
		35/ 4	0.0620
		7	0.0835
		14	0.0935
		17	0.0935
		24	0.0685
		44/ 4	0.0935
		7	0.0935
		14	0.0935
		17	0.0935
		24	0.0935

I	2	3	4
4.	NANGAL BRAHMAN (Contd...)	45/ 4	0.0935
		7	0.0760
		14	0.0020
		69 (Road)	0.0200
		61 (Drain)	0.0255
5.	CHAJJUNAGAR	8/ 23	0.0050
		15/ 3	0.0735
		8	0.1015
		13	0.1015
		18	0.1015
		23	0.1015
		18/ 3	0.1015
		8	0.1015
		13	0.1015
		18	0.1015
		23	0.1015
		27/ 3	0.0930
		4	0.0020
		7	0.0450
		8	0.0585
		13	0.0255
		14	0.0865
		17	0.0960
		24	0.0860
		30/ 4	0.1015
		7	0.1015
		14	0.0615
		15	0.0400
		16	0.1015
		17	0.0010
		25	0.1015
		38/ 10	0.0110
		11	0.0855
		20	0.1015
		21	0.1015
		39/ 5	0.1015
		6	0.0830
		15	0.0105
		43/ 1	0.0960
		2	0.0010
		9/1	0.0110
		9/2	0.0585
		10	0.0230
		12	0.1015
		19	0.1015
		22	0.0885
		48/ 2	0.0505
		3	0.0505
		8	0.1015
		13	0.1015

1	2	3	4
5.	CHAJJUNAGAR (Contd...)	48/ 18	0.1015
		23	0.0720
		24	0.0240
		51/ 3	0.0050
		4	0.0965
		7	0.0885
		14	0.1015
		16	0.0040
		17	0.0915
		24	0.0180
		25	0.0835
		56/ 5	0.1015
		6	0.1015
		15	0.0990
		16	0.0330
		55/ 11	0.0010
		20/1	0.0685
		21	0.1015
		59/ 1	0.1015
		10	0.0940
		111 (Drain)	0.0810
		126 (Rasta)	0.0130
		304 (Rasta)	0.0055
		305 (Rasta)	0.0130
6.	ROUNIJA	4/ 10	0.0530
		11	0.0990
		20	0.0990
		21	0.0990
		11/ 1	0.0990
		10	0.0990
		11	0.0870
		12	0.0120
		19	0.0260
		20	0.0500
		21	0.0300
		22	0.0680
		16/ 1	0.0070
		2	0.0920
		9	0.0990
		12	0.0990
		19	0.0990
		22	0.0990
		23/ 2	0.0990
		9	0.0990
		12	0.0990
		19	0.0990
		22	0.0990
		28/ 2	0.0580
		9	0.0785
		12/1	0.0120

1	2	3	4
6.	ROUNIJA (Contd...)	28/ 12/2	0.0240
		19	0.1015
		22	0.0935
		23	0.0025
		34/ 2	0.0690
		3	0.0125
		8	0.0500
		9	0.0170
		13	0.0740
		18	0.0860
		23	0.0710
		48 (Drain)	0.0010
		49 (Drain)	0.0030
		53 (Rasta)	0.0505
7.	KITHWADI	41/ 6	0.1090
		15	0.1090
		16	0.1090
		24	0.0280
		25	0.0810
		44/ 4	0.0990
		5	0.0100
		7	0.1015
		14	0.1015
		15	0.0025
		16	0.0180
		17	0.0585
		24	0.0155
		25	0.0510
		58/ 4	0.0055
		5	0.0960
		6	0.1015
		15	0.1015
		16	0.1015
		25	0.1015
		63/ 5	0.1015
		6	0.1015
		15	0.1015
		16	0.1015
		25	0.1015
		73/ 5	0.1015
		6	0.0940
		15	0.0635
		16	0.0330
		25	0.0055
		72/ 11	0.0020
		20	0.0510
		21	0.0940
		79/ 1	0.1015
		10	0.1015
		11	0.1015

1	2	3	4
7.	KITHWADI (Contd...)	79/ 20/1	0.0610
		20/2	0.0410
		21	0.1015
		85/ 1	0.1015
		10	0.0610
		94 (Hathin Distributary)	0.0610
8.	MANDKAUL	6/ 3	0.0440
		8	0.1165
		13/1	0.0155
		13/2	0.0070
		13	0.0090
		17	0.1190
		24	0.0400
		10/ 5	0.1040
		6/1	0.0240
		6/3	0.0205
		6/4	0.0025
		11/ 11	0.0620
		20	0.0885
		21	0.0025
		22	0.0180
		18/ 2	0.0860
		8	0.0040
		9	0.0025
		13	0.0810
		18/1	0.0100
		284 (Rasta)	0.0185
9.	SOFTAKA	5/ 1	0.1490
		2	0.1189
		6/ 2	0.0070
		3	0.0800
		4	0.1340
		5	0.1490
		7	0.0020
		8	0.0680
		9	0.1265
		10	0.1490
		7/ 6	0.1490
		7	0.0580
10.	HARPHALI	9/ 24	0.0110
		25	0.0580
		10/ 21/1	0.0102
		21/2	0.1320
		22	0.1465
		23	0.1465
		24	0.1465
		25	0.1465
		11/ 21/1	0.1430
		21/2	0.0065
		22/2	0.0180

1	2	3	4
10.	HARPHALI (Contd...)	11/ 23 17/ 1 2 3 4 * 5 18/ 1 2/1 2/2 2/3 2/4 3 4 5 10 19/ 5 6 7 86 (Rasta) 92 (Rasta)	0.0685 0.1465 0.1465 0.1265 0.0860 0.0405 0.0490 0.0580 0.0225 0.0480 0.0175 0.1465 0.1465 0.1465 0.0455 0.0150 0.0740 0.0885 0.0100 0.0180
11.	SAHARALA	8/ 14 15 17 18 23 24 9/ 11 12 13 14 15 10/ 11 12 13 14 16 17 11/ 16 17 18 19 20/1 20/2 12/ 18 19 20 22 23 77 (Rasta)	0.0870 0.0530 0.0585 0.0030 0.0770 0.0105 0.0935 0.1390 0.1470 0.1470 0.1350 0.1400 0.1290 0.0510 0.0260 0.0535 0.0125 0.1470 0.1470 0.1470 0.1320 0.0330 0.0605 0.0570 0.1065 0.1470 0.0025 0.0225 0.0180
12.	BELA	44/ 15 16 25 45/ 5 46/ 1 10/1 10/2 11 20 19/2 21 22/1 22/2 63/ 2 9 12 13 297 (Rasta) 298 (Rasta) 299 (Rasta)	0.0025 0.0910 0.1015 0.0470 0.0505 0.0385 0.0635 0.1015 0.0910 0.0075 0.0040 0.0470 0.0370 0.1015 0.1015 0.0380 0.0155 0.0050 0.0050 0.0050

[F.N.R-31015/ 01 /2005-OR-II]
Harish Kumar, Under Secretary

नई दिल्ली, 29 अगस्त, 2005

का.अ. 3129.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री लाल सिंह, सक्षम प्राधिकारी, मुम्बई - मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, प्लॉट न० - 590, सेक्टर 21 ए, फरीदाबाद- 121001 (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : पलवल	जिला : फरीदाबाद	राज्य : हरियाणा	
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	रायदसका	25/ 24	0.0105
		43/ 10	0.0105
		19	0.0120
		46/ 3	0.0060
		67/ 2	0.0080
		13	0.0130
		24	0.0290
		81/ 16	0.0100
		85/ 10	0.0065
		93/ 2	0.0130
		97/ 6	0.0025
		122 (नाला)	0.0380
		123 (रास्ता)	0.0225
		141 (रास्ता)	0.0075
		462 (रास्ता)	0.0105
2.	रुन्धी	35/ 21	0.0050
		44/ 9	0.0055
		50/ 4	0.0040
		7	0.0250
		15	0.0365
		16	0.0250
		61/ 2	0.0025
		13	0.0105
		24	0.0220
		66/ 6	0.0255
		67/ 20	0.0105
		76/ 2	0.0210
		13	0.0075
		17	0.0050
		24	0.0040
		80/ 5	0.0180
		6	0.0110
		81/ 11	0.0355
		22	0.0360
		85/ 8	0.0485
		17	0.0270
		107 (रास्ता)	0.0050
		188 (रास्ता)	0.0050
		179 (रास्ता)	0.0050
		209 (रास्ता)	0.0075
		210 (रास्ता)	0.0075
		217 (रास्ता)	0.0410
		427 (रास्ता)	0.0105
		428 (रास्ता)	0.0125
3.	सेलौटी	12/ 10	0.0010

1	2	3	4
3.	सेलौटी (जारी...)	12/ 12 15/ 8 13 56/ 14 17 24 58/ 4 7 14 17 89 (रास्ता) 91 (रास्ता) 333 (रास्ता) 340 (रास्ता) 341 (रास्ता)	0.0040 0.0025 0.0250 0.0025 0.0075 0.0100 0.0305 0.0380 0.0380 0.0260 0.0550 0.0275 0.0050 0.0050 0.0050
4.	नांगल ब्रह्मन	23/ 17 18 24/1 34/ 4 7 14 17 24 35/ 4 45/ 7 14	0.0225 0.0105 0.0510 0.0610 0.0835 0.0910 0.0925 0.0675 0.0215 0.0075 0.0085
5.	छप्पनगर	27/ 4 7 18 30/ 17 38/ 10 43/ 2 9/1 48/ 9 51/ 16 55/ 11 59/ 11 82 (रास्ता) 126 (रास्ता) 150 (रास्ता) 294 (रास्ता) 305 (रास्ता)	0.0035 0.0135 0.0025 0.0015 0.0020 0.0045 0.0070 0.0025 0.0060 0.0015 0.0025 0.0055 0.0025 0.0130 0.0055 0.0150
6.	रोनिजा	11/ 19 28/ 12/1 12/2 34/ 2 9 12/2 19 48 (नाला)	0.0080 0.0030 0.0595 0.0070 0.0330 0.0250 0.0075 0.0040

1	2	3	4
6.	रोनिजा (जारी...)	49 (नाला)	0.0270
7.	किठवाड़ी	72/ 1	0.0025
		10	0.0105
		11	0.0415
		20	0.0200
8.	मांदकौल	6/ 3	0.0070
		7	0.0025
		14	0.0875
		25	0.0790
		10/ 5	0.0150
		11/ 10	0.0460
		11	0.0570
		19	0.0305
		22	0.1010
		18/ 3	0.0200
		8	0.1125
		14	0.0080
		17	0.1015
9.	सोफताका	3/ 22	0.0025
		6/ 2	0.0130
		7	0.0105
10.	हरफली	9/ 23	0.0200
		24	0.0495
		25	0.0510
		11/ 18	0.0100
		22/ 1	0.1190
		14/ 1	0.0075
		2	0.0520
		7	0.0455
		8	0.0125
		9	0.1240
		12	0.0360
		13	0.1450
		14/ 14	0.0305
		18/ 1	0.0525
		19/ 6	0.0195
		87 (रास्ता)	0.0100
11.	सहसाला	7/ 16	0.0485
		8/ 6	0.0935
		7	0.0435
		14	0.0120
		18	0.0530
		19	0.0935
		20	0.1240
		21	0.0105
		22	0.0530
		23	0.0165
		9/ 9	0.0075
		10	0.0530
		15	0.0120

1	2	3	4
11.	सहराला (जारी...)	10/ 11	0.0070
		13	0.0960
		14	0.1005
		15	0.0935
		11/ 11	0.0530
		12	0.0150
		12/ 18	0.0040
		72 (रास्ता)	0.0305
		81 (रास्ता)	0.0230
		91 (रास्ता)	0.0075
		8/ 17 (सहराला नाला)	0.0330
		20 (सहराला राजवाह)	0.0125
12.	बेला	45/ 5	0.0035
		46/ 21	0.0115
		22/ 2	0.0020
		297 (रास्ता)	0.0025
		298 (रास्ता)	0.0025
		299 (रास्ता)	0.0025

[फा०स०आर०-31015/01/2005-ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 29th August, 2005

S. O. 3129.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by the Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri LAL SINGH, Competent Authority, Mumbai - Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, Plot No. 590, Sector 21A, Faridabad-121001 (Haryana).

SCHEDULE

TEHSIL: PALWAL		DISTRICT: FARIDABAD	STATE: HARYANA
S.NO.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1.	RAIDHASKA	25/ 24	0.0105
		43/ 10	0.0105
		19	0.0120
		46/ 3	0.0060
		67/ 2	0.0080
		13	0.0130
		24	0.0290
		81/ 16	0.0100
		85/ 10	0.0065
		93/ 2	0.0130
		97/ 6	0.0025
		122 (Drain)	0.0380
		123 (Rasta)	0.0225
		141 (Rasta)	0.0075
		462 (Rasta)	0.0105
		35/ 21	0.0050
		44/ 9	0.0055
		50/ 4	0.0040
		7	0.0250
		15	0.0365
		16	0.0250
		61/ 2	0.0025
		13	0.0105
		24	0.0220
2.	RUNDHI	66/ 6	0.0255
		67/ 20	0.0105
		76/ 2	0.0210
		13	0.0075
		17	0.0050
		24	0.0040
		80/ 5	0.0180
		6	0.0110
		81/ 11	0.0355
		22	0.0360
		85/ 8	0.0485
		17	0.0270
		107 (Rasta)	0.0050
		188 (Rasta)	0.0050
		179 (Rasta)	0.0050
		209 (Rasta)	0.0075
		210 (Rasta)	0.0075
		217 (Rasta)	0.0410
		427 (Rasta)	0.0105
		428 (Rasta)	0.0125
		12/ 10	0.0010
3.	SILAUTI		

1	2	3	4
3.	SILAUTI (Contd...)	12/ 12	0.0040
		15/ 8	0.0025
		13	0.0250
		56/ 14	0.0025
		17	0.0075
		24	0.0100
		58/ 4	0.0305
		7	0.0380
		14	0.0380
		17	0.0260
		89 (Rasta)	0.0550
		91 (Rasta)	0.0275
		333 (Rasta)	0.0050
		340 (Rasta)	0.0050
		341 (Rasta)	0.0050
4.	NANGAL BRAHMAN	23/ 17	0.0225
		18	0.0105
		24/ 1	0.0510
		34/ 4	0.0610
		7	0.0835
		14	0.0910
		17	0.0925
		24	0.0675
		35/ 4	0.0215
		45/ 7	0.0075
5.	CHAJJUNAGAR	14	0.0085
		27/ 4	0.0035
		7	0.0135
		18	0.0025
		30/ 17	0.0015
		38/ 10	0.0020
		43/ 2	0.0045
		9/ 1	0.0070
		48/ 9	0.0025
		51/ 16	0.0060
		55/ 11	0.0015
		59/ 11	0.0025
		82 (Rasta)	0.0055
		126 (Rasta)	0.0025
		150 (Rasta)	0.0130
		294 (Rasta)	0.0055
		305 (Rasta)	0.0150
6.	ROUNIJA	11/ 19	0.0080
		28/ 12/ 1	0.0030
		12/ 2	0.0595
		34/ 2	0.0070
		9	0.0330
		12/ 2	0.0250
		19	0.0075
		48 (नाला)	0.0040

1	2	3	4
6.	ROUNJA (Contd...)	49 (Drain)	0.0270
7.	KITHWADI	72/ 1	0.0025
		10	0.0105
		11	0.0415
		20	0.0200
8.	MANDKAUL	6/ 3	0.0070
		7	0.0025
		14	0.0875
		25	0.0790
		10/ 5	0.0150
		11/ 10	0.0460
		11	0.0570
		19	0.0305
		22	0.1010
		18/ 3	0.0200
		8	0.1125
		14	0.0080
		17	0.1015
9.	SOFTAKA	3/ 22	0.0025
		6/ 2	0.0130
		7	0.0105
10.	HARPHALI	9/ 23	0.0200
		24	0.0495
		25	0.0510
		11/ 18	0.0100
		22/1	0.1190
		14/ 1	0.0075
		2	0.0520
		7	0.0455
		8	0.0125
		9	0.1240
		12	0.0360
		13	0.1450
		14/ 14	0.0305
		18/ 1	0.0525
		19/ 6	0.0195
		.87 (Rasta)	0.0100
11.	SAHARALA	7/ 16	0.0485
		8/ 6	0.0935
		7	0.0435
		14	0.0120
		18	0.0530
		19	0.0935
		20	0.1240
		21	0.0105
		22	0.0530
		23	0.0165
		9/ 9	0.0075
		10	0.0530
		15	0.0120
		10/ 11	0.0070
		13	0.0960
		14	0.1005
		15	0.0935
		11/ 11	0.0530
		12	0.0150
		12/ 18	0.0040
		72 (Rasta)	0.0305
		81 (Rasta)	0.0230
		91 (Rasta)	0.0075
		8/ 17 (Saharala Drain)	0.0330
		20 (Saharala Distri.)	0.0125
12.	BELA	45/ 5	0.0035
		46/ 21	0.0115
		22/2	0.0020
		297 (Rasta)	0.0025
		298 (Rasta)	0.0025
		299 (Rasta)	0.0025

[F.N.R-31015/ 01 /2005-OR-II]
Harish Kumar, Under Secretary

नई दिल्ली, 30 अगस्त, 2005

का. आ. 3130.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मांगल्या (इन्दौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में विजयवास एक पेट्रोलियम उत्पादकों के परिधान के लिए भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पापलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियों साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री लाल सिंह, समक्ष प्राधिकारी, मुम्बई मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड, 179, विश्व लक्ष्मी नगर, मथुरा-281004 (यू.पी.) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : मथुरा		जिला : मथुरा		राज्य : उत्तर प्रदेश	
क्रम सं.	ग्राम का नाम	सर्वे नं.	क्षेत्रफल हेक्टेयर में		
1	2	3	4		
1.	अरहेरा	219	0.0072		
		360	0.0160		
		377	0.0500		
		379	0.0960		
		316	0.0520		
		368	0.0144		
2	गणेशरा	162	0.0072		
		133	0.0288		
		48	0.0040		
		50	0.0150		
3	मधेरा	136	0.1440		
		139	0.0240		
		146	0.0300		
		141	0.2880		
		337	0.0720		
		343	0.1580		
4	मासूम नगर	341	0.0930		
		216	0.0100		
5	वाटी	799	0.0060		
		804	0.0150		

1	2	3	4
5	वाटी (जारी...)	701	0.0080
		675	0.0080
		406	0.0430
		1282	0.0080
		1283	0.0080
		1388	0.0040
6	धनगांव	266	0.0220
		451	0.0080
7	मैसा	273	0.1080
		275	0.0080
		588	0.0150
8	धाना समशाबाद	17	0.0080
		28	0.3240
		31	0.0360
		32	0.0250
		141	0.0650
		151	0.2450
		152	0.0650
		187	0.3600
		188	0.0360
		160	0.0440
9	इकदन्ता	19	0.0650
10	बमूरी मुहाल गर्वी	363	0.0080
		444	0.1584
		447	0.2520
		440	0.2412
		439	0.1152
11	बरारी	675	0.1180
		682	0.0280
		659	0.0760
		216	0.0100
		222	0.0060
		219	0.0150
		676	0.0080
		679	0.0720
		680	0.0080
		690	0.0040
		687	0.0080
		701	0.0060
12	धाना तेजा	442	0.0040
		451	0.1440
		452	0.0060
		535	0.1230

1	2	3	4
12	घाना तेजा (जारी...)	457	0.0100
		533	0.0080
		483	0.0150
		493	0.0220
		206	0.0540
		188	0.0580
		204	0.0100
13	मुहीउद्दीनपुर	208	0.0040
14	पीलुआ सादिकपुर	28	0.0360
		65	0.0720
		121	0.0360
		691	0.0940
		692	0.0150
		684	0.0360
		572	0.0360
15	अड़की	34 A	0.0810
16	बाकरपुर	25	0.0650
		26	0.0220
17	नौगांव	83	0.0070
		729	0.0060
18	सतोहा असगरपुर	601	0.2680
		1044	0.0550
		1046	0.0048
		1052	0.0720
		596	0.0080
		620	0.0080
		673	0.0130
		222	0.0150
		220	0.0060
		674	0.0096
		675	0.0150
		659	0.0080
		597	0.0080
19	छड़गांव	436	0.0200
		598	0.0360
		552	0.0100
		559	0.1440
		595	0.0080
		560	0.0290
		561	0.0290

[फा0सं0आर0-31015/3/2005-ओ आर. - II]

हरीश कुमार, अवर सचिव

New Delhi, the 30th August, 2005

S. O. 3138.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mariglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Lal Singh, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, 179, Vishwa Laxmi Nagar, Mathura - 281004 (Uttar Pradesh).

SCHEDULE

Tehsil : Mathura District : Mathura State : Uttar Pradesh			
S.No.	Name Of Village	Survey No.	Area in Hectare
1	2	3	4
1	ARAHARA	319	0.0072
		360	0.0160
		377	0.0500
		379	0.0960
		316	0.0520
		368	0.0144
2	GANESHARA	162	0.0072
		133	0.0288
		48	0.0040
		50	0.0150
3	MAGHERA	136	0.1440
		139	0.0240
		148	0.0300
		141	0.2880
		337	0.0720
		343	0.1580
		341	0.0930
4	MASUMNAGAR	248	0.0100
5	VAATI	799	0.0060
		804	0.0150
		701	0.0080

1	2	3	4	1	2	3	4
5	VAATI (Contd...)	675	0.0080	12	DHANA TEJA	533	0.0080
		406	0.0430		(Contd....)	483	0.0150
		1282	0.0080			493	0.0220
		1283	0.0080			206	0.0540
		1388	0.0040			188	0.0580
6	DHANGAON	266	0.0220			204	0.0100
		451	0.0080	13	MUHIUDDINPUR	208	0.0040
7	BHAINSA	273	0.1080	14	PILUA SADIKPUR	26	0.0360
		275	0.0060			65	0.0720
		588	0.0150			121	0.0360
8	DHANA SHAMSABAD	17	0.0080			691	0.0940
		28	0.3240			692	0.0150
		31	0.0360			684	0.0360
		32	0.0250			572	0.0360
		141	0.0650	15	ADUKI	34 A	0.0810
		151	0.2450	16	BAKARPUR	25	0.0650
		152	0.0650			26	0.0220
		187	0.3600	17	NAUGAON	83	0.0070
		188	0.0360			729	0.0060
		160	0.0440	18	SATOHASGARPUR	601	0.2660
9	EKDANTA	19	0.0650			1044	0.0550
10	BAMJRI MUHAL	388	0.0080			1046	0.0048
	GARYI	444	0.1584			1052	0.0720
		447	0.2520			596	0.0080
		440	0.2412			620	0.0080
		439	0.1152			673	0.0130
11	BARARI	675	0.1180			222	0.0150
		682	0.0280			220	0.0060
		659	0.0760			674	0.0096
		216	0.0100			675	0.0150
		222	0.0060			659	0.0080
		219	0.0150			597	0.0080
		676	0.0080	19	CHHADGAON	436	0.0200
		679	0.0720			598	0.0360
		680	0.0080			552	0.0100
		690	0.0040			559	0.1440
		687	0.0080			595	0.0080
		701	0.0060			560	0.0290
12	DHANA TEJA	442	0.0040			561	0.0290
		451	0.1440				
		452	0.0060				
		535	0.1230				
		457	0.0100				

[F.N. R-31015/3/2005-OR-II]

HARISH KUMAR, Under Secretary

नई दिल्ली, 30 अगस्त, 2005

हा. आ. 3131.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1023 तारीख 9 मार्च, 2005, जो भारत के राजपत्र तारीख 19 मार्च, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 30 मई, 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : मथुरा		जिला : मथुरा	राज्य : उत्तर प्रदेश
क्रम सं.	ग्राम का नाम	सर्वे नं.	क्षेत्रफल हैक्टेयर में
1	2	3	4
1	अरहेरा	115	0.0510
		116	0.2680
		118	0.0230
		119	0.0800
		160	0.0360
		122	0.0110
		120	0.0890
		222	0.1560
		226	0.0160
		228	0.0120
		221	0.0440
		227	0.0300
		237	0.0940

1	2	3	4
1	अरहेरा (जारी...)	239	0.0080
		213	0.1440
		212	0.1800
		242	0.0150
		317	0.0400
		241	0.0100
		316	0.0200
		315	0.0120
		314	0.4470
		361	0.0100
		362	0.1520
		363	0.3030
		364	0.0650
		372	0.3080
		369	0.0120
		375	0.1440
		374	0.0080
2	गणेशरा	40	0.1010
		39	0.0720
		42	0.0150
		47	0.3320
		46	0.2740
		132	0.4400
		141	0.1010
		159	0.2960
		157	0.0220
		158	0.2310
		161	0.1300
		163	0.0150
3	मघेरा	136	0.0720
		137	0.3600
		138	0.3240
		145	0.1080
		337	0.1440
		338	0.3960
		340	0.0360
		343	0.0940
		341	0.0510
		336	0.0080
		131	0.1800
4	मासूमनगर	227	0.1230
		224	0.0450
		162	0.0510
		170	0.2520
		171	0.3600
		172	0.0510
		225	0.0150
		226	0.1370
		228	0.0870
5	वाटी	794	0.0360
		798	0.0080
		796	0.1370
		797	0.0290
		813	0.0080
		806	0.2160
		807	0.6200

1	2	3	4
5	वाटी (जारी...)	700	0.2740
		699	0.1300
		704	0.0080
		698	0.0360
		702	0.1440
		679	0.0150
		678	0.1230
		677	0.0870
		676	0.0800
		652	0.0080
		632	0.0440
		633	0.3390
		628	0.0150
		618	0.3680
		617	0.0290
		608	0.0080
		607	0.0150
		606	0.0290
		447	0.1010
		446	0.0940
		445	0.0870
		444	0.1010
		443	0.0870
		436	0.0080
		431	0.0220
		430	0.1590
		429	0.1950
		428	0.0080
		426	0.0440
		423	0.0080
		421	0.1300
		422	0.0150
		399	0.1370
		398	0.0080
		397	0.0360
		402	0.0150
		1169	0.0220
		1166	0.0780
		1170	0.0440
		1167	0.0150
		1164	0.2090
		1165	0.0200
		1162	0.0800
		1161	0.0080
		1124	0.0870
		1125	0.0020
		1123	0.1080
		1122	0.0030
		1121	0.0080
		1120	0.0510
		1119	0.0080
		1229	0.0150
		1273	0.0360
		1274	0.0080
		1279	0.0220
		1278	0.0650

1	2	3	4
5	वाटी (जारी...)	1277	0.0800
		1276	0.0440
		1275	0.0800
		1339	0.0100
		1343	0.1590
		1340	0.2160
		1379	0.0100
		1338	0.0230
		1337	0.0080
		1380	0.0650
		1381	0.0720
		1382	0.0290
		1383	0.0050
		1386	0.0150
		1387	0.1590
		1376	0.0080
		1404	0.0720
		1405	0.0020
		1409	0.0080
		1410	0.0540
		1411	0.0800
		1412	0.0870
		1413	0.0080
		1419	0.0080
		1421	0.0800
		1422	0.0510
		1426	0.0080
		1427	0.0870
6	तारसी	98	0.1160
		99	0.0940
		100	0.0450
7	धनगांव	452	0.2310
		453	0.1800
		454	0.1950
		456	0.1660
		455	0.0150
		457	0.0060
		449 A	0.3240
		449 B	0.0180
		435	0.0490
		269	0.2240
		268	0.1440
		265	0.0200
		263	0.2380
		262	0.0510
		261	0.0340
		260	0.2740
		245	0.0360
		200	0.0130
		197	0.0360
		199	0.0120
		202	0.1950
		196	0.0720
		195	0.2160
		184	0.0070
		167	0.0130

1	2	3	4	1	2	3	4
7	धनगाव (जारी...)	166	0.1950	9	भैंसा (जारी...)	552	0.0020
		165	0.1590			551	0.0720
		158	0.0100			550	0.1080
		154	0.0720			517	0.0220
		155	0.2090			511	0.0220
		149	0.0200			444	0.2520
		147	0.1950			440	0.0080
		146	0.1440			443	0.0510
		144	0.0780			305	0.1730
		116	0.2670			276	0.1250
		145	0.0220			274	0.1080
		136	0.0220			272	0.0650
		133	0.2090			270	0.1440
		132	0.0010			259	0.0580
		131	0.0230			258	0.0250
		126	0.2160			200	0.0080
		125	0.2160			144	0.0100
8	सलेमपुर	184	0.2890			143	0.1800
		175	0.1080			142	0.1152
		174	0.0100			73	0.0120
		173	0.2810			74	0.0100
		166	0.0100			513	0.1520
		164	0.1650			512	0.3390
		207	0.0050			510	0.3240
		206	0.3320			439	0.0080
		205	0.2160			277	0.0080
		203	0.1010			268	0.0080
		67	0.3530			269	0.0080
		66	0.1680			199	0.0360
		12	0.0260			156	0.0510
		8	0.1080			155	0.0740
		165	0.0010			154	0.0800
		210	0.0200			145	0.0080
		186	0.0080			136	0.0080
		68	0.0020			132	0.2880
9	भैंसा	1	0.3600			74	0.0090
		2	0.0080			134	0.0080
		3	0.0080			133	0.0080
		639	0.0870			75	0.2360
		630	0.0360			59	0.2240
		616	0.0020			105	0.0080
		611	0.2160			107	0.0120
		610	0.0080			71	0.0080
		609	0.0080			58	0.0080
		607	0.1660			57	0.2520
		635	0.0150			55	0.1080
		636	0.0080			41	0.0080
		634	0.0870			33	0.0510
		633	0.0080			34	0.1160
		629	0.1800			35	0.0720
		623	0.0120			36	0.0230
		589	0.0080	10	धानाशमसाबाद	185	0.0940
		525	0.0290			184	0.0200
		524	0.1730			150	0.0360
		523	0.0080			27	0.2670
		522	0.2310			23	0.0800
						15	0.2880

1	2	3	4	1	2	3	4
11	इकदन्ता	10	0.0180	14	धानातेजा (जारी...)	497	0.0720
		11	0.0580			494	0.0080
		12	0.0360			534	0.0260
		14	0.0650			151	0.0720
		18	0.2220			496	0.0020
		17	0.0010			498	0.0220
		3	0.2190			536	0.0080
		4	0.0080			537	0.0150
		8	0.0250			450	0.0080
		9	0.1160			449	0.0880
12	बमूरी-मुहाल गर्वा	378	0.0216			448	0.0360
		405	0.0648			444	0.1800
		404	0.0864			443	0.1080
		403	0.1296	15	मुहीउद्दीनपुर	199	0.0780
		402	0.0080			200	0.0640
		398	0.0040			203	0.0690
		399	0.0040			202	0.0790
		445	0.0100			209	0.0130
		367	0.0936			210	0.0470
13	बरारी	207	0.0120			212	0.0670
		208	0.0460			214	0.0650
		209	0.0720			215	0.0240
		210	0.0870			216	0.0340
		211	0.0700			222	0.4350
		212	0.0080			221	0.0710
		213	0.1310	16	पीलुआ सादिकपुर	29	0.2240
		217	0.0480			76	0.2380
		214	0.0600			70	0.0360
		215	0.0080			66	0.1240
		220	0.0800			30	0.1440
		221	0.0360			63	0.2240
		218	0.2960			61	0.0100
		675	0.0400			120	0.2020
		677	0.0782			122	0.1670
		682	0.0080			124	0.0120
		683	0.0130			200	0.0150
		689	0.0150			203	0.1140
		688	0.0800			201	0.2370
		686	0.0360			197	0.0800
		685	0.0080			158	0.0250
14	धानातेजा	165	0.0140			156	0.0080
		166	0.0100			157	0.0720
		171	0.0010			164	0.1560
		172	0.1250			163	0.0360
		173	0.0090			356	0.0170
		174	0.0070			685	0.0120
		180	0.0080			501	0.2300
		181	0.0050			502	0.2300
		182	0.1600			497	0.0120
		184	0.0720			493	0.0850
		185	0.0150			494	0.0080
		186	0.0080			482	0.0870
		187	0.0060			508	0.0010
		207	0.0500			509	0.1160
		205	0.0880			468	0.0150
		495	0.3860			467	0.2170

1	2	3	4
16	पीतुआ सादिकपुर (जारी...)	522 528 587 529 586 570 571 573 574 575 583 586 492 530 491 A 491 B	0.2380 0.1340 0.0970 0.2510 0.1310 0.0720 0.0720 0.3380 0.2810 0.0520 0.0580 0.0440 0.0290 0.0030 0.1100 0.0020
17	अड़की	175 173 172 131 130 72 67 88 65 171 71 70 32 33 34	0.2270 0.0710 0.2380 0.0820 0.0360 0.0960 0.3030 0.6360 0.4540 0.0290 0.0440 0.0650 0.3240 0.0650 0.3030
18	बकुरपुर	56	0.0180
19	खड़िया	64 150 182 8 188 91 143 33 136 137 150 74 8 150 100 101 96 84	0.1230 0.1370 0.0150 0.2240 0.0960 0.0440 0.0650 0.0720 0.0150 0.0940 0.0870 0.0290 0.3600 0.3400 0.0150 0.2310 0.3240 0.0290
20	महोली	1506 1484 1483 1482 1481 1351	0.0072 0.0792 0.0090 0.0060 0.3888 0.0576

1	2	3	4
20	महोली (जारी...)	1350 1349 1348 1312 1286 1287 1307 1306 1305 1304 1282 1263 1277 1278 1279 1285 1284 1283 1017 1018 1030 1036 1035 1033 1034 1037 1039 1044 1042 1043 1045 1046 1048 1050 1049 1079 752 733 728 727 726 725 723 720 715 713 719 715 716 730 731 732 668 215 206 231	0.1584 0.0144 0.0660 0.0936 0.0144 0.0144 0.0385 0.2376 0.0144 0.0792 0.0390 0.0100 0.2880 0.0576 0.0100 0.0360 0.2016 0.0050 0.2304 0.0850 0.0144 0.3888 0.0080 0.0060 0.2448 0.1000 0.0120 0.0144 0.0480 0.1872 0.3456 0.1584 0.0140 0.0100 0.2304 0.0110 0.1800 0.0072 0.1152 0.0648 0.0648 0.1584 0.0072 0.0240 0.0288 0.0090 0.0960 0.2740 0.0140 0.3030 0.0260 0.4900 0.0310 0.3750 0.0420 0.1290
21	नौगांव	715 716 730 731 732 668 215 206 231	0.2740 0.0140 0.3030 0.0260 0.4900 0.0310 0.3750 0.0420 0.1290

1	2	3	4
21	नौगांव (जारी...)	232	0.1080
		233	0.0180
		203	0.0240
		184	0.4610
		32	0.0720
		81	0.6120
		79	0.2090
		78	0.0080
		65	0.0440
		207	0.0090
		77	0.0590
		13	0.0650
		12	0.0220
		125	0.0080
22	सतोहा असगरपुर	1043	0.0580
		1045	0.1010
		1053	0.0870
		176	0.0110
		600	0.0220
		628	0.0510
		655	0.0400
		656	0.0370
		657	0.0360
		658	0.0530
		660	0.2130
		668	0.3600
		669	0.0120
		671	0.0800
		219	0.0420
		1042	0.0720
		1050	0.1250
		601	0.0220
		621	0.0150
		627	0.2160
		648	0.1010
		649	0.0150
		654	0.0080
		672	0.1440
		221	0.0220
		218	0.0440
		216	0.0280
		192	0.2550
		748	0.0330
		754	0.1010
		758	0.0720
		759	0.0260
		780	0.0330
		761	0.0380
		762	0.0670
		813	0.0110
		806	0.0830
		808	0.0830
		799	0.0710

1	2	3	4
22	सतोहा असगरपुर (जारी...)	794	0.0110
		217	0.0360
		728	0.0360
		755	0.0360
		756	0.0360
		757	0.0290
		807	0.0830
23	छड़गांव	652	0.1900
		653	0.1140
		654	0.1880
		642	0.3950
		637	0.0170
		641	0.2500
		639	0.3530
		597	0.1230
		550	0.0960
		551	0.2670
		554 (C/T)	0.0110
		553	0.2350
		638	0.1080
		555	0.2380
		556	0.0870
		558	0.0230
		557	0.0940
		447	0.0220
		401	0.0270
		440	0.1950
		441	0.0170
		444	0.0440
		442	0.1590
		443	0.2020
		435	0.2340
		431	0.3930
		564	0.2810
		445	0.0150
		434	0.0130
		436	0.0080
24	ओल	136	0.1730
		137	0.1370
		144/2	0.0440
		144/1	0.0940
		143	0.0100
		145	0.2740
		110	0.0220
		109	0.2380
		146	0.0230
		108	0.0220
		107	0.1500
		102	0.0090
		149	0.1730
		150	0.0500
		152	0.5910
		189	0.0510
		166	0.1800

New Delhi, the 30th August, 2005

1	2	3	4
25	जैत	411	0.1260
		825	0.1130
		943	0.0680
		216	0.0180
		1249	0.0200
		412	0.1470
		1156	0.0510
		221	0.0320
		354	0.2480
		202/1	0.0100
		452	0.1690
		1122	0.0230
		1189	0.0610
		337	0.3060
		179	0.0040
		1245	0.2580
		186	0.0280
		668	0.0380
		867	0.0970
		948	0.1470
		189/1	0.0330
		127	0.0510
		1250	0.0100
		1186	0.1110
		162/2	0.0180
		1186	0.0710
		1294	0.1830
		904	0.0180
		727	0.2270
		144/2	0.0220
		727	0.1190
		147/3	0.0080
		124	0.0800
		289	0.0200
		147/2	0.0150
		1177	0.3030
		263	0.0050
		148	0.0080
		147	0.0200
		117	0.0330
		1164	0.2290
		141	0.0290
		1175	0.0080
		950	0.2190
		1258	0.0030
		1297	0.0100
		1298	0.0030
		174	0.0800

[फाउन्डेशन-31015/3/2005-ओ आर-11]
(हरीश कुमार, अपर सचिव)

S. O. 3131.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.1023, dated the 9th March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 19th March, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 30th May, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : Mathura District : Mathura State : Uttar Pradesh

S.No.	Name Of Village	Survey No.	Area in Hectare
1	2	3	4
1	ARAHARA	115	0.0510
		116	0.2680
		118	0.0230
		119	0.0800
		160	0.0360
		122	0.0110
		120	0.0890
		222	0.1560
		226	0.0180
		228	0.0120
		221	0.0440
		227	0.0300
		237	0.0940
		239	0.0080

1	2	3	4
1	ARAHARA (Contd...)	213	0.1440
		212	0.1800
		242	0.0150
		317	0.0400
		241	0.0100
		316	0.0200
		315	0.0120
		314	0.4470
		361	0.0100
		362	0.1520
		363	0.3030
		364	0.0650
		372	0.3080
		369	0.0120
		375	0.1440
		374	0.0080
2	GANESARA	40	0.1010
		39	0.0720
		42	0.0150
		47	0.3320
		46	0.2740
		132	0.4400
		141	0.1010
		159	0.2960
		157	0.0220
		156	0.2310
		161	0.1300
		163	0.0150
3	MAGHERA	136	0.0720
		137	0.3600
		138	0.3240
		145	0.1080
		337	0.1440
		338	0.3960
		340	0.0360
		343	0.0940
		341	0.0510
		336	0.0080
		131	0.1800
4	MASUMNAGAR	227	0.1230
		224	0.0450
		162	0.0510
		170	0.2520
		171	0.3600
		172	0.0510
		225	0.0150
		226	0.1370
		228	0.0870
5	VAATI	794	0.0360
		798	0.0080
		796	0.1370
		797	0.0290
		813	0.0080
		806	0.2160
		807	0.0200
		700	0.2740

1	2	3	4
5	VAATI (Contd.....)	699	0.1300
		704	0.0080
		698	0.0360
		702	0.1440
		679	0.0150
		678	0.1230
		677	0.0870
		676	0.0800
		652	0.0080
		632	0.0440
		633	0.3390
		628	0.0150
		618	0.3680
		617	0.0290
		608	0.0080
		607	0.0150
		606	0.0290
		447	0.1010
		446	0.0940
		445	0.0870
		444	0.1010
		443	0.0870
		436	0.0080
		431	0.0220
		430	0.1590
		429	0.1950
		428	0.0080
		426	0.0440
		423	0.0080
		421	0.1300
		422	0.0150
		399	0.1370
		398	0.0080
		397	0.0360
		402	0.0150
		1169	0.0220
		1168	0.0780
		1170	0.0440
		1167	0.0150
		1164	0.2090
		1165	0.0200
		1162	0.0800
		1161	0.0080
		1124	0.0870
		1125	0.0020
		1123	0.1080
		1122	0.0030
		1121	0.0080
		1120	0.0510
		1119	0.0080
		1229	0.0150
		1273	0.0360
		1274	0.0080
		1279	0.0220
		1278	0.0650
		1277	0.0800

1	2	3	4	1	2	3	4
5	VAATI (Contd.....)	1276	0.0440	7	DHANGAON	185	0.1590
		1275	0.0800		(Contd.....)	158	0.0100
		1339	0.0100			154	0.0720
		1343	0.1590			155	0.2090
		1340	0.2160			149	0.0200
		1379	0.0100			147	0.1950
		1338	0.0230			146	0.1440
		1337	0.0080			144	0.0780
		1380	0.0650			116	0.2670
		1381	0.0720			145	0.0220
		1382	0.0290			136	0.0220
		1383	0.0050			133	0.2090
		1386	0.0150			132	0.0010
		1387	0.1590			131	0.0230
		1376	0.0080			126	0.2160
		1404	0.0720			125	0.2160
		1405	0.0020	8	SALEMPUR	184	0.2890
		1409	0.0080			175	0.1080
		1410	0.0540			174	0.0100
		1411	0.0800			173	0.2810
		1412	0.0870			166	0.0100
		1413	0.0080			164	0.1650
		1419	0.0080			207	0.0050
		1421	0.0800			206	0.3320
		1422	0.0510			205	0.2160
		1426	0.0080			203	0.1010
		1427	0.0870			67	0.3530
6	TARSI	98	0.1160			66	0.1680
		99	0.0940			12	0.0260
		100	0.0450			8	0.1080
7	DHANGAON	452	0.2310			165	0.0010
		453	0.1800			210	0.0200
		454	0.1950			186	0.0080
		456	0.1660			68	0.0020
		455	0.0150	9	BHAINSA	1	0.3600
		457	0.0060			2	0.0080
		449 A	0.3240			3	0.0080
		449 B	0.0180			639	0.0870
		435	0.0490			630	0.0360
		269	0.2240			616	0.0020
		268	0.1440			611	0.2160
		265	0.0200			610	0.0080
		263	0.2380			809	0.0080
		262	0.0510			607	0.1660
		261	0.0340			635	0.0150
		260	0.2740			636	0.0080
		245	0.0360			634	0.0870
		200	0.0130			633	0.0080
		197	0.0360			629	0.1800
		199	0.0120			623	0.0120
		202	0.1950			589	0.0080
		196	0.0720			525	0.0290
		195	0.2160			524	0.1730
		194	0.0070			523	0.0080
		167	0.0130			522	0.2310
		166	0.1950			552	0.0020

1	2	3	4	1	2	3	4
9	BHAINSA	(Contd.....) 551	0.0720	11	EKDANTA	10	0.0180
		550	0.1080			11	0.0580
		517	0.0220			12	0.0360
		511	0.0220			14	0.0650
		444	0.2520			18	0.2220
		440	0.0080			17	0.0010
		443	0.0510			3	0.2190
		305	0.1730			4	0.0080
		276	0.1250			8	0.0250
		274	0.1080			9	0.1160
		272	0.0650	12	BAMURI MUHAL GARVI	378	0.0216
		270	0.1440			405	0.0648
		259	0.0580			404	0.0864
		258	0.0250			403	0.1296
		200	0.0080			402	0.0080
		144	0.0100			398	0.0040
		143	0.1800			399	0.0040
		142	0.1152			445	0.0100
		73	0.0120			367	0.0936
		74	0.0100	13	BARARI	207	0.0120
		513	0.1520			208	0.0460
		512	0.3390			209	0.0720
		510	0.3240			210	0.0870
		439	0.0080			211	0.0700
		277	0.0080			212	0.0080
		268	0.0080			213	0.1310
		269	0.0080			217	0.0480
		199	0.0360			214	0.0600
		156	0.0510			215	0.0080
		155	0.0740			220	0.0800
		154	0.0800			221	0.0360
		145	0.0080			218	0.2960
		136	0.0080			675	0.0400
		132	0.2880			677	0.0782
		74	0.0090			682	0.0080
		134	0.0080			683	0.0130
		133	0.0080			689	0.0150
		75	0.2380			688	0.0800
		59	0.2240			686	0.0360
		105	0.0080			685	0.0080
		107	0.0120	14	DHANA TEJA	165	0.0140
		71	0.0080			166	0.0100
		58	0.0080			171	0.0010
		57	0.2520			172	0.1250
		55	0.1080			173	0.0090
		41	0.0080			174	0.0070
		33	0.0510			180	0.0080
		34	0.1160			181	0.0050
		35	0.0720			182	0.1600
		36	0.0230			184	0.0720
10	DHANA SHAMSABAD	185	0.0940			185	0.0150
		184	0.0200			186	0.0080
		150	0.0360			187	0.0060
		27	0.2670			207	0.0500
		23	0.0800			205	0.0880
		15	0.2880			495	0.3860

1	2	3	4
14	DHANA TEJA (Contd.....)	497 494 534 151 496 498 536 537 450 449 448 444 443	0.0720 0.0080 0.0260 0.0720 0.0020 0.0220 0.0080 0.0150 0.0080 0.0880 0.0360 0.1800 0.1080
15	MUHIUDDINPUR	199 200 203 202 209 210 212 214 215 216 222 221	0.0780 0.0640 0.0690 0.0790 0.0130 0.0470 0.0670 0.0650 0.0240 0.0340 0.4350 0.0710
16	PILUA SADIKPUR	29 76 70 66 30 63 61 120 122 124 200 203 201 197 158 156 157 164 163 356 685 501 502 497 493 494 482 508 509 468 467	0.2240 0.2380 0.0380 0.1240 0.1440 0.2240 0.0100 0.2020 0.1670 0.0120 0.0150 0.1140 0.2370 0.0800 0.0250 0.0080 0.0720 0.1560 0.0360 0.0170 0.0120 0.2300 0.2300 0.0120 0.0850 0.0080 0.0870 0.0010 0.1160 0.0150 0.2170

1	2	3	4
16	PILUA SADIKPUR (Contd.....)	522 528 587 529 586 570 571 573 574 575 583 586 492 530 491 A 491 B	0.2380 0.1340 0.0970 0.2510 0.1310 0.0720 0.0720 0.3380 0.2810 0.0520 0.0580 0.0440 0.0290 0.0030 0.1100 0.0020
17	ADUKI	175 173 172 131 130 72 67 68 65 171 71 70 32 33 34	0.2270 0.0710 0.2380 0.0820 0.0360 0.0960 0.3030 0.6360 0.4540 0.0290 0.0440 0.0650 0.3240 0.0650 0.3030
18	BAKARPUR	58	0.0180
19	KHEDIA	64 150 182 8 168 91 143 33 136 137 150 74 8 150 100 101 96 64	0.1230 0.1370 0.0150 0.2240 0.0360 0.0440 0.0650 0.0720 0.0150 0.0940 0.0870 0.0290 0.3600 0.3400 0.0150 0.2310 0.3240 0.0290
20	MAHOLI	1506 1484 1483 1482	0.0072 0.0792 0.0090 0.0060

1	2	3	4
20	MAHOLI (Contd.....)	1481	0.3888
		1351	0.0576
		1350	0.1584
		1349	0.0144
		1348	0.0660
		1312	0.0936
		1286	0.0144
		1287	0.0144
		1307	0.0385
		1306	0.2376
		1305	0.0144
		1304	0.0792
		1262	0.0390
		1263	0.0100
		1277	0.2880
		1278	0.0576
		1279	0.0100
		1285	0.0380
		1284	0.2016
		1283	0.0050
		1017	0.2304
		1018	0.0850
		1030	0.0144
		1036	0.3888
		1035	0.0080
		1033	0.0060
		1034	0.2448
		1037	0.1000
		1039	0.0120
		1044	0.0144
		1042	0.0480
		1043	0.1872
		1045	0.3456
		1046	0.1584
		1048	0.0140
		1050	0.0100
		1049	0.2304
		1079	0.0110
		752	0.1800
		733	0.0072
		728	0.1152
		727	0.0648
		726	0.0648
		725	0.1584
		723	0.0072
		720	0.0240
		715	0.0288
		713	0.0090
		719	0.0960
21	NAUGAON	715	0.2740
		716	0.0140
		730	0.3030
		731	0.0260
		732	0.4900

1	2	3	4
21	NAUGAON	668	0.0310
	(Contd.....)	215	0.3750
		206	0.0420
		231	0.1290
		232	0.1080
		233	0.0190
		203	0.0240
		184	0.4610
		82	0.0720
		81	0.6120
		79	0.2090
		78	0.0080
		65	0.0440
		207	0.0090
		77	0.0590
		13	0.0650
		12	0.0220
		125	0.0080
22	SATOHASGARPUR	1043	0.0580
		1045	0.1010
		1053	0.0870
		176	0.0110
		600	0.0220
		628	0.0510
		655	0.0400
		656	0.0370
		657	0.0360
		658	0.0530
		660	0.2130
		668	0.3600
		669	0.0120
		671	0.0800
		219	0.0420
		1042	0.0720
		1050	0.1250
		601	0.0220
		621	0.0150
		627	0.2160
		648	0.1010
		649	0.0150
		654	0.0080
		672	0.1440
		221	0.0220
		218	0.0440
		216	0.0280
		192	0.2550
		748	0.0330
		754	0.1010
		758	0.0720
		759	0.0260
		760	0.0330
		761	0.0380
		762	0.0670
		813	0.0110

1	2	3	4
22	SATOHASGARPUR (Contd.....)	806 808 799 794 217 728 755 756 757 807 652 653 654 642 637 641 639 597 550 551 554 (C/T) 553 638 555 556 558 557 447 401 440 441 444 442 443 435 431 564 445 434 436 136 137 144/2 144/1 143 145 110 109 146 108 107 102 149 150	0.0830 0.0830 0.0710 0.0110 0.0360 0.0360 0.0360 0.0360 0.0290 0.0630 0.1900 0.1140 0.1880 0.3950 0.0170 0.2500 0.3530 0.1230 0.0960 0.2670 0.0110 0.2350 0.1080 0.2380 0.0870 0.0230 0.0940 0.0220 0.0270 0.1950 0.0170 0.0440 0.1590 0.2020 0.2340 0.3930 0.2810 0.0150 0.0130 0.0080 0.1730 0.1370 0.0440 0.0940 0.0100 0.2740 0.0220 0.2380 0.0230 0.0220 0.1500 0.0090 0.1730 0.0500

1	2	3	4
24	AOL (Contd.....)	152 189 166	0.5910 0.0510 0.1800
25	JAIR	411 825 943 216 1249 412 1156 221 354 202/1 452 1122 1189 337 179 1245 188 668 667 948 189/1 127 1250 1186 162/2 1186 1294 904 727 144/2 727 147/3 124 26 147/2 1177 263 148 147 117 1164 141 1175 950 1258 1297 1298 174	0.1280 0.1130 0.0680 0.0180 0.0200 0.1470 0.0510 0.0320 0.2480 0.0100 0.1690 0.0230 0.0610 0.3060 0.0040 0.2580 0.0280 0.0380 0.0970 0.1470 0.0330 0.0510 0.0100 0.1110 0.0180 0.0710 0.1830 0.0180 0.2270 0.0220 0.1190 0.0080 0.0800 0.0200 0.0150 0.3030 0.0050 0.0080 0.0200 0.0330 0.2290 0.0290 0.0080 0.2190 0.0030 0.0100 0.0030 0.0800

[F.N. R-31015/3/2005-OR-II]
HARISH KUMAR, Under Secretary

नई दिल्ली, 30 अगस्त, 2005

का. आ. 3132.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश में मांगल्या (इन्दौर) संस्थापन से हरयाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री दीपक नन्दी, सक्षम प्राधिकारी, मुम्बई-मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, सी-105, इन्द्र विहार, तलवन्डी, कोटा - 324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : लाड़पुरा		जिला : कोटा	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	गलागा	749	0.0360
		750	0.0650
		746	0.1230
		747	0.1730
		744	0.3100
		745/859	0.1370
		742	0.2170
		743	0.2100
		741	0.0290
		740	0.0080
		730	0.2740
		728	0.1370
		727	0.0360
		720	0.2520
		721	0.2810
		717	0.0220
		714	0.2900
		716	0.0080
		715	0.1520
		687	0.2020
		605	0.1450
		686	0.1010
		618	0.1370
		619	0.0290
		626	0.0080
		620	0.3030
		621	0.2450
		681	0.2450
		680	0.0150
		677	0.2020
		673	0.2450
		676	0.0020
		674	0.2020
		648	0.1450
		668	0.0940
		649	0.1590
		660	0.1370
		652	0.0220
		659	0.0220
		658	0.3030
2	कादीहेडा	435	0.0220
		434	0.1660

1	2	3	4
2	कादीहेड़ा (जारी.....)	430	0.0720
		431	0.2520
		426	0.2160
		426/538	0.0150
		425	0.2310
		406	0.0040
		407	0.4550
		362	0.1370
		361	0.0220
		167	0.0290
		166	0.0650
		169	0.0040
		168	0.0150
		185	0.0220
		183	0.1370
		182	0.1300
		184	0.0020
		181	0.0580
		137	0.0220
		116	0.0290
		115	0.0440
		114	0.0360
		102	0.0080
		101	0.1160
		103	0.1080
		100	0.0150
		89	0.0220
		78	0.0220
		53	0.0150
		56	0.0040
		68	0.3100
		70	0.0580
		67	0.0440
		66	0.0290
		72	0.0220
		65	0.2310
		74	0.0220
		4	0.2100
		3	0.2600
		6	0.0220
		2	0.3960
3	जाखोड़ा	260/987	0.0290
		260	0.0360
		261	0.2390
		259	0.0730
		262	0.0020
		257	0.3250
		256	0.0150
		255	0.2170
		247	0.0040
		246	0.1375
		241	0.2170
		242	0.0440
		237	0.1735
		219/870	0.0220
		225	0.0150
		222	0.0080
		216	0.2460
		216/996	0.1950
		214	0.1590
		213	0.0800
		211	0.0040
4	किशनपुरा (केथून)	338	0.0290
		339	0.1730
		340	0.1230
		337	0.2100
		322	0.0150

1	2	3	4
4	किशनपुरा (केथून) (जारी.....)	324	0.3980
		323	0.0940
		264	0.0290
		267	0.1730
		269	0.0360
		273	0.0440
		274	0.0940
		272	0.0080
		277	0.0290
		282	0.0220
		280	0.1520
5	गोंदलियाहेड़ी	468	0.0360
		470	0.1665
		469	0.0220
		466	0.1520
		465	0.0150
		472	0.1880
		464	0.1450
		463	0.0290
		293/595	0.0020
		453	0.1800
		452	0.0290
		451	0.0360
		450	0.0800
		436	0.0360
		449	0.0220
		300	0.3320
		299	0.1160
		301	0.4040
		278	0.1590
		279	0.1880
		269	0.0220
		268	0.2240
		217	0.0650
		218	0.1300
		215	0.1730
		221	0.0220
		198	0.0510
		179	0.0580
		180	0.1660
		182	0.1230
		183	0.1800
		166	0.0150
		165	0.1730
		151	0.1950
		152	0.1160
		153	0.2600
6	मोरपा	274	0.0290
		272/372	0.0730
		273	0.0150
		272	0.1300
		267	0.2310
		266	0.0080
		266/434	0.0080
		268	0.0800
		265	0.0290
		262	0.2530
		261	0.0150
		260	0.2890
		253	0.0440
		234	0.0150
		236	0.1450
		252	0.0360
		237	0.2160
		246	0.1730
		246/403	0.0080
		246/402	0.0080

1	2	3	4
6	मोरपा (जारी.....)	241	0.0290
		242	0.1590
		244	0.0650
		243	0.0360
		214	0.0290
		220	0.1160
		217	0.3470
		217/453	0.0290
		29	0.0360
		28	0.0290
7	अरनिया	272	0.0080
		269	0.0510
		271	0.2600
		270	0.3460
		265	0.1100
		212	0.0220
		263	0.0360
		209	0.0080
		191	0.0940
		192	0.2020
		200	0.0600
		193/402	0.1300
		195	0.0290
		194	0.1450
		181	0.1100
		175	0.0220
		174	0.1010
		135	0.0150
		136	0.0650
		142	0.2100
		141	0.3030
		140	0.1100
		145	0.1880
		147	0.2100
		156	0.0020
		147/383	0.2310
		154	0.1800
		153	0.0510
8	रसूलपुर	27	0.0440
		28	0.0940
		29	0.1450
		30	0.0580
		9	0.0020
		8	0.1300
		7	0.1100
		6	0.0290
9	ताथेड़	824	0.0580
		825	0.1300
		822	0.1600
		777	0.3170
		774	0.2600
		773	0.2600
		772	0.3030
		771	0.0020
		770	0.6280
		770/870/928	0.0580
		770/870	0.0020
10	वृजेसपुरा	541	0.0220
		540	0.3250
		534	0.0940
		536	0.0440
		535	0.1300
		529	0.2600
		520	0.0220
		477	0.1010
		476	0.0580

1	2	3	4
10	बृजेशपुरा (जारी.....)	479	0.0020
		481	0.0650
		482	0.0440
		475	0.0020
		474	0.0020
		482/547	0.0360
		483	0.0290
		520	0.0150
		461	0.3030
		465	0.0150
		466	0.1160
		467	0.0080
		459	0.0150
		450	0.1370
		451	0.1160
		453	0.0940
		454	0.0360
		455	0.0040
		456	0.0040
		457	0.0290
		411	0.0440
		410	0.0360
		409	0.0220
		386	0.1160
		385	0.1450
		380	0.0040
		349	0.0360
		347	0.2520
		346	0.0150
		276	0.1450
		275	0.0080
		273	0.0150
		274	0.0650
		271	0.0720
		270	0.0720
		284	0.0080
		266	0.0080
		215	0.1370
		216	0.0360
		217	0.0440
		218	0.0360
		219	0.0220
		220	0.0040
		209	0.1450
		210	0.0080
		30	0.1160
		24	0.1880
		25	0.0290
		22	0.0040
		21	0.0290
11	पिपल्दा शेखान	255/271	0.0510
		255	0.2670
		256	0.0870
		257	0.1660
		254	0.0360
		253	0.0290
12	रामखेड़ली	330	0.0150
		329	0.1800
		328	0.1450
		327	0.0150
		295	0.0510
		296	0.0510
		291	0.2160
		292	0.0220
		293	0.0040
		280	0.0510
		276	0.0290

1	2	3	4
12	रामखेड़ली (जारी.....)	277	0.0650
		278	0.0080
		279	0.0440
		273	0.1450
		268	0.0580
		269	0.2240
		270	0.1450
		266	0.0020
		271	0.0510
		271/365	0.0360
		265	0.0510
		213	0.0290
		210	0.0650
		211	0.1590
		212	0.1100
		185	0.0650
		183	0.2050
		184	0.1300
		188/380	0.0040
		174	0.2600
		173	0.0650
		172	0.0150
		180	0.0440
		162/379	0.0290
		162	0.0360
		152	0.0580
		151	0.3470
		148	0.0040
		149	0.0510
		150/340	0.0080
		150	0.0510
		95	0.0150
		70	0.0800
		71	0.0440
		73	0.0650
		72	0.0940
		58/377	0.0150
		57	0.0580
		58	0.1880
		55	0.0080
		1/374	0.1100
13	नोटाना	210	0.0720
		209	0.0080
		208	0.0150
		207	0.0220
		206	0.1880
		204	0.3970
		1	0.1520
		720	0.0080
		719	0.2020
		721	0.1950
		722	0.2310
		723	0.0290
		717	0.0360
		715	0.1950
		716	0.1450
		705	0.0720
		694	0.1370
		693	0.4040
		691	0.1800
		687	0.0580
14	चन्देसल	2281	0.1450
		2279	0.0360
		2277	0.3460
		2276	0.0220
		2269	0.0080
		361	0.0440

1	2	3	4
14	चन्द्रसल (जारी.....)	362	0.0440
		2220	0.0080
		2211	0.0080
		2210	0.4040
		2151	0.0510
		2150	0.0150
		2149	0.0080
		2146	0.0440
		2145	0.0220
		2143	0.2670
		2142	0.0800
		2140	0.0510
		2138	0.0440
		2137	0.0940
		2136	0.1160
		2135	0.0360
15	देवली मच्छियान	270	0.1010
		531	0.1450
		527	0.1730
		526	0.0360
		525	0.0080
		524	0.0080
		520	0.0650
		519	0.0080
		512	0.1950
		508	0.0080
		509	0.0150
		510	0.0150
		511	0.1950
		513	0.2520
		505	0.0510
16	किशनपुरा उर्फ नयागांव	97	0.2520
		96	0.0360
		93	0.0150
		94/524	0.2310
		94	0.0080
		95	0.0150
		95/474	0.0440
		52	0.3030
		51	0.0360
		53	0.0080
		54	0.3900
		38	0.1880
		37	0.2740
		775	0.0290
		776	0.0720
		774	0.3030
		772	0.0290
		768	0.1230
		767	0.1160
		769	0.0720
		765	0.0290
		764	0.1590
		759	0.1800
		753	0.0290
		752	0.0290
17	गावडी	637	0.0580
		636	0.3390
		635	0.0580
		634	0.0080
		611	0.0940
		612	0.3250
		609	0.0360
		606	0.0150
		594	0.1950
		593	0.1010
		595	0.1800

1	2	3	4
17	गावड़ी (जारी.....)	596	0.2300
		597	0.0700
		598	0.1660
		776	0.0360
		769	0.1450
		768	0.1520
		767	0.2880
		716	0.0440
		710	0.0940
		711	0.1730
		712	0.1730
		685	0.0510
		684	0.0290
		683	0.1010
		682	0.0940
		681	0.0650
		680	0.0290
		679	0.0290
		665	0.0150
		293	0.0510
		292	0.0440
		147	0.1450
		146	0.1160
		145	0.1590
		144	0.0800
		143	0.0440
		142	0.0080
		141	0.0510
		139	0.0360
		140	0.0720
		129	0.0440
		130	0.1520
		132	0.1370
		79	0.0650
		71	0.0650
		1	0.4400

(फा0सं0आर0-31015/8/2004-ओ आर-II)

हरीश कुमार, अवर सचिव

New Delhi, the 30th August, 2005

S. O. 3132.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Deepak Nandi, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, B-105, Indravihar, Talwandi, Kota-324005 (Rajasthan).

SCHEDULE

TEHSIL : LADPURA		DISTRICT : KOTA		STATE : RAJASTHAN	
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE		
1	2	3	4		
1	GALANA	749	0.0360		
		750	0.0650		
		746	0.1230		
		747	0.1730		
		744	0.3100		
		745/859	0.1370		

1	2	3	4
1	GALANA (Contd.....)	742	0.2170
		743	0.2100
		741	0.0290
		740	0.0080
		730	0.2740
		728	0.1370
		727	0.0360
		720	0.2520
		721	0.2810
		717	0.0220
		714	0.2900
		716	0.0080
		715	0.1520
		687	0.2020
		605	0.1450
		686	0.1010
		618	0.1370
		619	0.0290
		626	0.0080
		620	0.3030
		621	0.2450
		681	0.2450
		680	0.0150
		677	0.2020
		673	0.2450
		676	0.0020
		674	0.2020
		648	0.1450
		668	0.0940
		649	0.1590
		660	0.1370
		652	0.0220
		659	0.0220
		658	0.3030
2	KADIHEDA	435	0.0220
		434	0.1660
		430	0.0720
		431	0.2520
		426	0.2160
		426/538	0.0150
		425	0.2310
		406	0.0040
		407	0.4550
		362	0.1370
		361	0.0220
		167	0.0290
		166	0.0650
		169	0.0040
		168	0.0150
		185	0.0220
		183	0.1370
		182	0.1300
		184	0.0020
		181	0.0580
		137	0.0220
		116	0.0290
		115	0.0440
		114	0.0360
		102	0.0080
		101	0.1160
		103	0.1080
		100	0.0150
		89	0.0220
		78	0.0220
		53	0.0150
		56	0.0040
		68	0.3100
		70	0.0580

1	2	3	4
2	KADIHEDA (Contd.....)	67	0.0440
		66	0.0290
		72	0.0220
		65	0.2310
		74	0.0220
		4	0.2100
		3	0.2600
		6	0.0220
		2	0.3960
3	JAKHODA	260/987	0.0290
		260	0.0360
		261	0.2390
		259	0.0730
		262	0.0020
		257	0.3250
		256	0.0150
		255	0.2170
		247	0.0040
		246	0.1375
		241	0.2170
		242	0.0440
		237	0.1735
		219/870	0.0220
		225	0.0150
		222	0.0080
		216	0.2460
		216/996	0.1950
		214	0.1590
		213	0.0800
		211	0.0040
4	KISHANPURA (KETHUN)	338	0.0290
		339	0.1730
		340	0.1230
		337	0.2100
		322	0.0150
		324	0.3980
		323	0.0940
		264	0.0290
		267	0.1730
		269	0.0360
		273	0.0440
		274	0.0940
		272	0.0080
		277	0.0290
		282	0.0220
		280	0.1520
5	GODALIYAHEDI	468	0.0360
		470	0.1665
		469	0.0220
		466	0.1520
		465	0.0150
		472	0.1880
		464	0.1450
		463	0.0290
		293/595	0.0020
		453	0.1800
		452	0.0290
		451	0.0360
		450	0.0800
		436	0.0360
		449	0.0220
		300	0.3320
		299	0.1160
		301	0.4040
		278	0.1590
		279	0.1880
		269	0.0220
		268	0.2240

1	2	3	4
5	GODALIYAHEDI (Contd.....)	217	0.0650
		218	0.1300
		215	0.1730
		221	0.0220
		198	0.0510
		179	0.0580
		180	0.1660
		182	0.1230
		183	0.1800
		166	0.0150
		165	0.1730
		151	0.1950
		152	0.1160
		153	0.2600
6	MORPA	274	0.0290
		272/372	0.0730
		273	0.0150
		272	0.1300
		267	0.2310
		266	0.0080
		266/434	0.0080
		268	0.0800
		265	0.0290
		262	0.2530
		261	0.0150
		260	0.2890
		253	0.0440
		234	0.0150
		236	0.1450
		252	0.0360
		237	0.2160
		246	0.1730
		246/403	0.0080
		246/402	0.0080
		241	0.0290
		242	0.1590
		244	0.0650
		243	0.0360
		214	0.0290
		220	0.1160
		217	0.3470
		217/453	0.0290
		29	0.0360
		28	0.0290
7	ARNIYA	272	0.0080
		269	0.0510
		271	0.2600
		270	0.3460
		265	0.1100
		212	0.0220
		263	0.0360
		209	0.0080
		191	0.0940
		192	0.2020
		200	0.0800
		193/402	0.1300
		195	0.0290
		194	0.1450
		181	0.1100
		175	0.0220
		174	0.1010
		135	0.0150
		136	0.0650
		142	0.2100
		141	0.3030
		140	0.1100
		145	0.1880
		147	0.2100

1	2	3	4
7	ARNIYA (Contd.....)	156	0.0020
		147/383	0.2310
		154	0.1800
		153	0.0510
8	RASULPUR	27	0.0440
		28	0.0940
		29	0.1450
		30	0.0580
		9	0.0020
		8	0.1300
		7	0.1100
		6	0.0290
9	TATHED	824	0.0580
		825	0.1300
		822	0.1600
		777	0.3170
		774	0.2600
		773	0.2600
		772	0.3030
		771	0.0020
		770	0.6280
		770/870/928	0.0580
		770/870	0.0020
10	BRAJESHPURA	541	0.0220
		540	0.3250
		534	0.0940
		536	0.0440
		535	0.1300
		529	0.2600
		520	0.0220
		477	0.1010
		476	0.0580
		479	0.0020
		481	0.0650
		482	0.0440
		475	0.0020
		474	0.0020
		482/547	0.0360
		483	0.0290
		520	0.0150
		461	0.3030
		465	0.0150
		466	0.1160
		467	0.0080
		459	0.0150
		450	0.1370
		451	0.1160
		453	0.0940
		454	0.0360
		455	0.0040
		456	0.0040
		457	0.0290
		411	0.0440
		410	0.0360
		409	0.0220
		386	0.1160
		385	0.1450
		380	0.0040
		349	0.0360
		347	0.2520
		346	0.0150
		276	0.1450
		275	0.0080
		273	0.0150
		274	0.0650
		271	0.0720
		270	0.0720
		284	0.0080

1	2	3	4
10	BRAJESHPURA (Contd.....)	266	0.0080
		215	0.1370
		216	0.0360
		217	0.0440
		218	0.0360
		219	0.0220
		220	0.0040
		209	0.1450
		210	0.0080
		30	0.1160
		24	0.1830
		25	0.0290
		22	0.0040
		21	0.0290
11	PIPALDA SHEKHAN	255/271	0.0510
		255	0.2670
		256	0.0870
		257	0.1660
		254	0.0360
		253	0.0290
12	RAMKHEDLI	330	0.0150
		329	0.1800
		328	0.1450
		327	0.0150
		295	0.0510
		296	0.0510
		291	0.2160
		292	0.0220
		293	0.0040
		280	0.0510
		276	0.0290
		277	0.0650
		278	0.0080
		279	0.0440
		273	0.1450
		268	0.0580
		269	0.2240
		270	0.1450
		266	0.0020
		271	0.0510
		271/365	0.0360
		265	0.0510
		213	0.0290
		210	0.0650
		211	0.1590
		212	0.1100
		185	0.0650
		183	0.2050
		184	0.1300
		188/380	0.0040
		174	0.2600
		173	0.0650
		172	0.0150
		160	0.0440
		162/379	0.0290
		162	0.0360
		152	0.0580
		151	0.3470
		148	0.0040
		149	0.0510
		50/340	0.0080
		150	0.0510
		95	0.0150
		70	0.0800
		71	0.0440
		73	0.0650
		72	0.0940
		58/377	0.0150

1	2	3	4
12	RAMKHEDLI (Contd.....)	57	0.0580
		58	0.1880
		55	0.0080
		1/374	0.1100
13	NOTANA	210	0.0720
		209	0.0080
		208	0.0150
		207	0.0220
		206	0.1880
		204	0.3970
		1	0.1520
		720	0.0080
		719	0.2020
		721	0.1950
		722	0.2310
		723	0.0290
		717	0.0360
		715	0.1950
		716	0.1450
		705	0.0720
		694	0.1370
		693	0.4040
		691	0.1800
		687	0.0580
14	CHANDRESAL	2281	0.1450
		2279	0.0360
		2277	0.3460
		2276	0.0220
		2269	0.0080
		361	0.0440
		362	0.0440
		2220	0.0080
		2211	0.0080
		2210	0.4040
		2151	0.0510
		2150	0.0150
		2149	0.0080
		2146	0.0440
		2145	0.0220
		2143	0.2670
		2142	0.0800
		2140	0.0510
		2138	0.0440
		2137	0.0940
		2136	0.1160
		2135	0.0360
15	DEVLI MACHHIYAN	270	0.1010
		531	0.1450
		527	0.1730
		526	0.0360
		525	0.0080
		524	0.0080
		520	0.0650
		519	0.0080
		512	0.1950
		508	0.0080
		509	0.0150
		510	0.0150
		511	0.1950
		513	0.2520
		505	0.0510
16	KISHANPURA URF NAYAGAON	97	0.2520
		96	0.0360
		93	0.0150
		94/524	0.2310
		94	0.0080
		95	0.0150
		95/474	0.0440

1	2	3	4
16	KISHANPURA URF NAYAGAON (Contd.....)	52	0.3030
		51	0.0360
		53	0.0080
		54	0.3900
		38	0.1880
		37	0.2740
		775	0.0290
		776	0.0720
		774	0.3030
		772	0.0290
		768	0.1230
		767	0.1160
		769	0.0720
		765	0.0290
		764	0.1590
		759	0.1800
		753	0.0290
		752	0.0290
17	GAWDI	637	0.0580
		636	0.3390
		635	0.0580
		634	0.0080
		611	0.0940
		612	0.3250
		609	0.0360
		606	0.0150
		594	0.1950
		593	0.1010
		595	0.1800
		596	0.2380
		597	0.0290
		598	0.1660
		776	0.0360
		769	0.1450
		768	0.1520
		767	0.2880
		716	0.0440
		710	0.0940
		711	0.1730
		712	0.1730
		685	0.0510
		684	0.0290
		683	0.1010
		682	0.0940
		681	0.0650
		680	0.0290
		679	0.0290
		665	0.0150
		293	0.0510
		292	0.0440
		147	0.1450
		146	0.1160
		145	0.1590
		144	0.0800
		143	0.0440
		142	0.0080
		141	0.0510
		139	0.0360
		140	0.0720
		129	0.0440
		130	0.1520
		132	0.1370
		79	0.0650
		71	0.0650
		1	0.4400

[F.N. R-31015/8/2004-OR-II]

HARISH KUMAR, Under Secretary

नई दिल्ली, 2 सितम्बर, 2005

का. आ. 3133.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि उड़ीसा राज्य में पारादीप से पश्चिमी बंगाल राज्य में हल्दिया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए,

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए,

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के अन्दर पाइपलाइन बिछाने के संबंध में श्री अरविन्द घोष, सक्षम प्राधिकारी, पारादीप हल्दिया पाइपलाइन परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कसबेरिया, डाकघर-खंजनचक, पूर्व मिदनापुर-721602 (पश्चिमी बंगाल) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची					
पुलिस थाना : नन्दकुमार		जिला : पूर्व मिदनापुर		राज्य : पश्चिमी बंगाल	
गाँव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
शीतलपुर	71	4138	00	01	83
		2593	00	04	91
		4139	00	03	41
		2546	00	00	92
भबानीपुर	73	1718	00	00	92
		1717	00	02	51
		1670	00	04	24
		1675	00	00	56
		1677	00	12	08
		1676	00	03	99
		1679	00	07	27
		1680	00	07	40
		2267	00	00	28
		2268	00	02	61
		1703	00	08	92
		1702	00	00	87
		1700	00	09	89
		1695	00	00	42
पुलिस थाना - चण्डीपुर					
भगवानखाली (भाग- II)	36	799	00	01	22
		801	00	00	65
		802	00	00	26
		803	00	00	23
		816	00	02	56
		817	00	00	86
		826	00	01	37
पुलिस थाना - खेजुरी					
खारन	127	681	00	00	80
		682	00	00	54
		683	00	00	20
		695	00	00	51
		698	00	03	24
		699	00	00	39
		696/1114	00	01	11
पुलिस थाना - भगवानपुर					
तेथिवाड़ी	153	448	00	00	49

(1)	(2)	(3)	(4)	(5)	(6)
		449	00	00	30
		451	00	00	20
		455	00	00	20

[फा. सं. आर-25011/20/2005-ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 2nd September, 2005

S. O. 3133.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited,

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein,

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Sri Arabinda Ghosh, Competent Authority, Paradip Haldia Crude Oil Pipeline Project, Indian Oil Corporation Limited, Kasberia, Post Office- Khanjanchak, Purba Midnapur-721602 (West-Bengal).

Schedule

Police Station : Nandakumar		District : Purba Midnapur		State : West-Bengal	
Name of Village	Jurisdiction List No.	Plot No.	Hectare	Area	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)
Shitalpur	71	4138	00	01	83
		2593	00	04	91
		4139	00	03	41
		2546	00	00	92
Bhabanipur	73	1718	00	00	92
		1717	00	02	51
		1670	00	04	24
		1675	00	00	56
		1677	00	12	08
		1676	00	03	99
		1679	00	07	27
		1680	00	07	40
		2267	00	00	28
		2268	00	02	61
		1703	00	08	92
		1702	00	00	87
		1700	00	09	89
		1695	00	00	42
Police Station - Chandipur					
Bhagabankhali (Part -II)	36	799	00	01	22
		801	00	00	65
		802	00	00	26
		803	00	00	23
		816	00	02	56
		817	00	00	86
		826	00	01	37
Police Station - Khajuri					
Kharan	127	681	00	00	80
		682	00	00	54
		683	00	00	20
		695	00	00	51
		698	00	03	24
		699	00	00	39
		696/1114	00	01	11
Police Station - Bhagabanpur					
Tethi Bari	153	448	00	00	49
		449	00	00	30
		451	00	00	20
		455	00	00	20

श्रम मंत्रालय

नई दिल्ली, 8 अगस्त, 2005

का. आ. 3134.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर (यूपी.) के पंचाट(संदर्भ संख्या आई. डी.-125/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2005 को प्राप्त हुआ था।

[सं. एल-12012/661/1998-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 8th August, 2005

S.O. 3134.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-125/99) of the Central Government Industrial Tribunal/Labour Court, Kanpur (U.P.) now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 8-8-2005.

[No. L-12012/661/1998-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI SURESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SARVODAYA
NAGAR, KANPUR, U.P.**

Industrial Dispute No. 125/99

In the matter of dispute between:

The General Secretary
State Bank of India Staff Association
2/363 Namner, Agra

AND

The Assistant General Manager
State Bank of India
Region No. III Zonal Office
Sanjai Place Agra.

AWARD

1. Central Government Ministry of Labour vide notification No. L-12012/661/98-IR(B-I) dated 5-5-1999 has referred the following dispute for adjudication to this Tribunal:—

“Whether the action of the AGM and Disciplinary Authority of State Bank of India vide his letter dated 30-6-1997 is justified? If not to what relief the workman is entitled?”

2. Case in short of the workman is that the workman Sri M. N. Saxena while working as officiating Rural Development Officer recommend some of the loan proposals and these proposals were duly sanctioned by

the then branch manager being fully satisfied of the genuineness of the proposals. It is stated that the branch was inspected by the internal audit and external audit inspectors but none of them commented against the work and conduct of Sri Saxena. The Assistant General Manager being biased against the workman trade union activities unilaterally transferred Sri Saxena against the transfer policy. The representing union of the workman lodged a protest and approached the ALC(C) who inturn restrained the management from transfer. The workman was issued a charge-sheet on 20-9-93 completed the formality of the enquiry where management completely failed to lead any legally convincing evidence in support of the charges. It is also alleged that the witnesses of the management produced in the enquiry failed to substantiate the charges despite that the enquiry officer proved the charges against the workman. Enquiry officer did not prove charge Nos. 1(iii) 2,3,4,5 and 6. It has also been alleged that on the basis of perverse findings given the enquiry officer charge No. 1(i) have been proved to the effect that the recommendation of the loan were not on the prescribed proforma. It has also been alleged that when the sanctioning authority has sanctioned the loan how at later stage it could be said that the recommendation of the loan were not on prescribed proforma. The punishment imposed by the disciplinary authority reducing the pay of the workman to one stage lower for one year on the basis of perverse finding is arbitrary, unfair, unjust, illegal and hence deserves to be set aside. On the basis of these allegations it has been prayed that the action of the management in imposing the above penalty be declared as illegal and unjust and the workman be suitably compensated for mental torture and agony faced for the illegal act of the management by the workman.

3. In reply management has alleged that the present dispute is not a dispute within the meaning of Sec. 2-A of the I.D. Act or within the meaning of section 2-K of the Act as the petty matters have been kept away from the provisions of the Act. Workman made irregularities while submitting his recommendations regarding granting of tractor loan. It is alleged that the workman did not work according to the provisions given in codified book of instructions. The consistent irregularity would amount to misconduct. Sanction of the proposal by the branch manager do not change the nature of the misconduct. As the workman failed to perform according to rules/instruction he was issued chargesheet but the workman could not prove his innocence rather he admitted his misconduct mentioned in charge No. 1 and on the basis of his admission of misconduct he was rightly punished and the order of the disc. authority dated 30-6-1997 is just, proper fair and in accordance with law. It has further been alleged by the bank that any irregularity could not be traced by the audit party shall not become good conduct automatically. The workman was rightly charge-sheeted by the bank and domestic enquiry was properly conducted and on the basis of the admission of the claimant he was held guilty of charge No. 1(i) and partly of charge No. 1(ii) and thus workman was rightly punished. Bank has denied the fact that the enquiry officer was under pressure. Enquiry officer has rightly held that the recommendations of the

loan were not on prescribed proforma. It has also been alleged that appraisal report in connection with the said loans was not prepared by the claimant and admittedly the recommendations were not made by the workman on the prescribed proforma, which tantamount to misconduct. The loan was in order it was repaid and there was no loss to the bank are immaterial for the purpose of the present case. Bank has also denied allegations of perverse finding and the case is based on the admission of facts and admitted facts need not be proved. It has also been alleged by the bank that in case this Tribunal arrives at a conclusion that the domestic inquiry was not conducted fairly and properly management be given an opportunity to prove the charges afresh. On the basis of these allegations it has been prayed that the claim of the workman be rejected.

4. After the pleadings were exchanged between the parties a preliminary issue regarding fairness of domestic inquiry was framed vide order dated 19-2-2001. vide order dated 27-3-2002 learned predecessor held that the enquiry report submitted by the enquiry officer being based on no evidence is perverse and is therefore rejected. Thereafter the management was given opportunity to lead evidence in support of his case.

5. The management failed to adduce evidence despite opportunities having been afforded to them and even the management has not cared to pay the adjournment cost for their delayed action and adjournments. Ultimately proceedings were fixed for arguments with the consent of the parties.

6. The domestic enquiry has already been set aside by my learned predecessor vide order dated 27-3-02. In the absence of any other additional evidence to substantiate the charges levelled against the workman by the management, the workman cannot be held responsible for the alleged charges. On going through the record it is clear that this is a case where the workman has been arbitrarily punished for no proved fault of the workman. In any case the trivial lapse alleged on the part of the workman whereby the report was not submitted on prescribed proforma for sanctioning the loan though the loan was duly sanctioned by the authority and the repayment of the said loan has already been made is of no avail to management. Therefore, even if this trivial lapse on the part of the concerned workman is considered to be proved it cannot be made a reasonable and just ground for awarding the punishment by the bank. The action of the management, is therefore, not only arbitrary but also a self speaking act of the management to punish the workman for insufficient ground and of no fault at all.

7. There is no evidence worth the name to strengthen the charges as proposed by the management against the workman.

8. In the absence of any evidence the charges having not been proved the action of the management vide letter dt. 30-6-1997 issued by the disciplinary authority proposing punishment of reducing the pay of the workman to one stage lower for one year is held to be arbitrary unfair and unjust which is accordingly liable to be set aside.

9. In view of above the workman is entitled for the benefit in terms of money which were withheld arbitrarily by their illegal punishment order.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का. आ. 3135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 55/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-2005 को प्राप्त हुआ था।

[सं. एल-12012/67/2002-आई आर (बी.-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 55/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workmen, which was received by the Central Government on 5-8-2005.

[No. L-12012/67/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,

“SHRAM SADAN”,

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR,

BANGALORE-560 022.

Dated: 26th July, 2005

Present :

SHRI A.R. SIDDQUI, Presiding Officer

C.R. No. 55/02

I PARTY

Shri D. C. Channegowda,
C/o. D. C. Lakkanna,
No. 251, 14th Main,
2nd Cross
Nagendra Block,
Bangalore-560 050

II PARTY

The Asstt. General Manager,
Dena Bank, Sona Towers,
1st Floor,
71, Millers Road,
Bangalore-560 052

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/67/

2002/IR (B-II) dated 24th September 2002 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the Management of Dena Bank in dismissing the service of Shri D. C. Channegowda is legal and justified? If not, what relief the concerned workman is entitled to?"

2. In his Claim Statement the first party made a request to this tribunal to pass an award holding that action of the Second Party Management Bank in dismissing him from service vide order dated 23-9-99 is illegal and improper and he must be reinstated in service to his original post of Cleaner Cum Sepoy (Daftary) with full back wages, continuity of service and all other consequential benefits.
3. His case in brief is that while he was working in the above said capacity, he was issued with the two separate chargesheets dated 28-3-98 and 31-3-98 and by filing a common reply dated 2-5-98 he admitted those charges, unconditionally, in terms of clause 19.12(e) of B.P.S. However, the management initiated Domestic Enquiry only in respect of chargesheet dated 31-3-98, he (the first party) pleaded guilty to the charges making a request to consider his case sympathetically awarding a minor punishment; The enquiry office by his letter dated 30-4-99 submitted his findings holding him guilty of both the charges of misconduct as per chargesheet dated 31-3-98 and during the course of personal hearing held on 20-8-99 on the proposed punishment of dismissal, the first party once again requested the Disciplinary Authority to take lenient view by imposing a punishment lesser than the punishment of dismissal, however, his submission was not considered and he was dismissed from service vide dismissal order dated 20-3-99; that he preferred an appeal and during the course of personal hearing held on 1-6-2000 and 29-12-2000 by the Appellate Authority he made written submission on 1-6-2000 to view the matter sympathetically and to award lesser punishment on the ground that no financial loss was caused to the bank due to the misconduct committed by him. The Appellate Authority however, confirmed the order of the Disciplinary Authority passing an order dated 9-11-01. Therefore, he raised an industrial dispute resulting into the present reference. At Para 9 of the Claim Statement the first party averred that he is not aggrieved by the procedural aspect of holding the Domestic Enquiry and he therefore, concedes the fairness of the Domestic Enquiry and that there is no need to frame additional issue on the said point. He submitted that the punishment of dismissal passed against him however, is illegal and improper amounting to unfair labour practice and victimization as the punishment of dismissal is very

severe, harsh and disproportionate to the gravity of the charges of misconduct admitted by him, all along. He had expressed his regrets and made an undertaking by his reply dated 2-5-98 that he will not commit such misconduct in future and therefore, a lenient view ought to have been taken against him keeping in view of the fact that he held a low level post of Cleaner Cum Sepoy (Daftary) and his past record of 12 year service was very much clean and unblemished and that he had about 26 years of future service. At para 12 he submitted that as per new B.P.S dated 10-4-02 which has come into force, three new punishments are newly added for gross misconduct committed by the workman concerned and those are :

1. Removal from service with Superannuation Benefits,
2. Compulsory Retirement with Superannuation Benefits,
3. Discharge from Service with Superannuation Benefits.

Therefore, the first party is entitled to have the benefits of the new settlement.

4. The management filed its Counter Statement and inter alia contended that the punishment of dismissal imposed upon the first party is very much proportionate keeping in view the gravity of the misconduct committed by him. It contended that the first party during the course of enquiry though participated in the enquiry proceedings taking the help of Union General Secretary Shri B. R. Dwarki, pleaded guilty to the charges of misconduct all along and further those charges of misconduct against him were also probed by the management by producing oral as well as documentary evidence and that on the basis of the material brought on record before the enquiry officer and the plea of guilt made by the first party, enquiry officer submitted his findings holding the workman guilty of the charges resulting into the impugned dismissal order. Giving out the facts of the case the management at paras 5 & 6 of the Counter Statement contended as under :—

Para 5:— That Shri D.C. Channegowda daftary, Dena Bank, Shimoga (hereinafter called as first party workman) availed consumer loan of Rs. 20,000/- on 21-12-97 from Shimoga District Cooperative Central Bank Extension Counter, Shimoga (SDCC Bank Shimoga). Two of the sub staff of SDCC Bank Shimoga stood as Co-obligants. First party workman produced his salary certificates on the Branch letter head and a salary deduction agreement on Rs. 20/- Bond Paper purported to have been signed by the Branch manager, Dena Bank Shimoga using Branch manager's stamp at appropriate places. The loan account was not conducted satisfactorily and SDCC

Bank issued notice to first party workman with a copy to Branch Manager Dena Bank, Shimoga. The SDCC Bank issued a letter to Branch Manager Dena Bank Shimoga enclosing the copy of the loan deduction agreement, calling upon the Branch Manager to deduct Rs.2,666/- from the salary of the first party workman.

Para 6:- The branch manager, Dena Bank's Shimoga observed that the salary deduction certificate was not signed by him and he has not authorized the use of Branch Manager's Stamp. He wrote back to SDCC Bank denying the execution of the said salary deduction agreement. The SDCC Bank also produced the salary certificate issued on the letter head of Dena Bank Shimoga signed by Branch Manager, Shimoga. This letter was also not issued by the Branch Manager, Dena Bank, Shimoga and was not signed by him. He has also not authorized the use of Branch Manager's Stamp. This brought to the light that first party workman has submitted forged documents to SDCC Bank, Shimoga to avail the loan. The SDCC Bank initiated legal action against first party workman and others (Co-obligants) and obtained decree under co-operative banking rules."

5. In the last, the management submitted that the BPS dated 10-4-02 does not come in the way of the action of the management in dismissing the workman from service and that the misconduct committed by him being very grave in nature deserved the punishment of dismissal which punishment of dismissal does not call for any interference at the hands of this tribunal.

6. Keeping in view the averments made in the Claim Statement by the first party conceding the fairness of the enquiry proceedings and the submission made by his learned counsel before this tribunal on 21-3-05 that he concedes the fairness of enquiry and therefore, additional preliminary issue may not be framed, this tribunal passed an order recording finding that the Domestic Enquiry conducted against the first party by the Second Party was fair and proper. Then the matter came to be posted to hear on the perversity of the enquiry findings and the quantum of the punishment. On 6-4-2005, learned counsel for first party filed 13 documents and then were marked as Ex. W1 to W.13. On 16-6-2005, learned counsel for the first party was heard and case came to be adjourned for arguments to be advanced on behalf of the Second Party, thrice i.e., on 20-6-05, 21-6-05 and 5-7-05. Since the learned counsel for the Second Party did not turn up on the last date of hearing, matter was taken as heard and is posted this day for award.

7. Learned counsel for the first party Shri G. Hegde in his arguments fairly submitted that the first party all along has admitted the charges of misconduct levelled against him making a request to the management to take lenient view against him and therefore this conduct on the part of the first party admitting the guilt from the very inception deserved lenient view. He submitted that keeping

in view the above conduct of the first party, the fact that he held a very low level post of Daftry and not ignoring the fact that there was no financial loss caused to the management bank, punishment of dismissal be converted into a lesser punishment to do justice in the matter.

8. In support of his submission, learned counsel submitted a decision reported in AIR 1984 Supreme Court Page 976 and a decision of our Hon'ble High Court reported in 2002(3) KCCR SN 252 (DB) page 245. In *Syndicate Bank Vs. P. Ramananda Nayak*. As noted above, learned counsel for the management was not available when the matter was taken up for argument. Now therefore, keeping in view the averments made in the Claim Statement and the charges of misconduct levelled against the first party stand beyond any doubt during the course of enquiry proceedings. The first question to be considered by this tribunal would be "whether the findings of the enquiry suffered from any perversity"? As noted above, learned counsel for the first party did not canvass any arguments challenging the findings of the enquiry officer holding the first party workman guilty of the abovesaid two charges.

9. From the perusal of the enquiry findings marked before this tribunal on behalf of the first party himself at Ex.M6, it is very much evident that during the course of enquiry, the first party mincing no words, rather in very clear terms, pleaded guilty of both the charges of misconduct levelled against him. However, the management to be on the safer side produced the oral evidence in the statement of MW1 & MW2 and the documentary evidence at MEX 1 to 4 to substantiate the charges of misconduct levelled against the first party independent of his plea of guilt. Therefore, taking into considerations, the plea of guilt made by the first party and based on the oral and documentary evidence pressed into service on behalf of the Second Party, the learned enquiry officer rightly came to the conclusion that the above said two charges of misconduct have been very much proved by the Second Party and accordingly submitted his above said enquiry findings. As noted above, on the receipt of the enquiry findings, the first party appeared before the Disciplinary Authority during the course of personal hearing on the proposed punishment of dismissal and once again admitting the charges of misconduct made a request to take lenient view against him. He repeated his request during the course of personal hearing held by the Appellate Authority. Not being satisfied with the Appellate Authority order confirming the punishment dismissal passed by the Disciplinary Authority, the first party raised an industrial dispute resulting into the reference in question. Therefore, now the only question to be considered would be as to "whether the punishment of dismissal passed against the first party was severe and disproportionate to the charges of misconduct committed by him in the light of the gravity of the misconduct committed by the first party"? If so, he deserves any lesser punishment as against the punishment of dismissal? It is not in dispute that from the very beginning of the disciplinary action being taken against the first party by issuing the charge sheet dated 31-3-98,

he by submitting his reply to the chargesheet admitted the charges of misconduct in no uncertain terms. He went on admitting the charges at every stage of the proceedings culminating into the order passed by the Appellate Authority confirming the punishment of dismissal. It is again not in dispute that the misconduct committed by the first party has not resulted into any financial loss to the management bank. Of course it is also not in dispute that the past record of the service of 12 years was without any blemish and adverse remarks against the first party. Therefore, keeping in view above factors, the nature of misconduct and so also not loosing the sight of the fact that he held a lowest post of Cleaner Cum Sepoy (Daftly). The aforesaid observations made by their Lordship of our Hon'ble High Court in the last Para of the above said decision, it appears to me that ends of justice will be met if the punishment of dismissal is reduced to punishment of termination of his services w.e.f. the date of order of dismissal made by the Disciplinary Authority so as to enable him to get terminal benefits towards the services rendered by him. Accordingly reference is answered and following award is passed.

AWARD

The order of punishment of dismissal dated 20-3-99 passed against the first party is hereby replaced by order of termination of his services w.e.f. 20-3-99. He shall be entitled to terminal benefits. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 26th July 2005).

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का. आ.3136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 2 धनबाद के पंचाट (संदर्भ संख्या 102/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-8-2005 को प्राप्त हुआ था।

[सं. एल-12011/143/2003-आई आर (बी.-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 102/2003) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employer in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 03-8-05.

[No. L-12011/143/2003-IR (B-II)]

C. GANGADHARANA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947

Reference No. 102 of 2003

PARTIES Employers in relation to the management of Zonal Manager, Central Bank of India and their workman.

APPEARANCES:

On behalf of the workman : None
On behalf of the employers : None
State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 19th July, 2005.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12011/143/2003-IR (BII), dated the 29th September, 2003.

SCHEDULE

"Whether the action of the management of Central Bank of India in reverting Shri Arun Prakash. Poddar, Shri Vijay Narain Singh and Shri Ganesh Dutt Sharma from CTO to Clerk by interpreting Clause 52.3.2 along with 52.3.6 correct and justified? If not, what relief are the workmen entitled to?"

2. In this case neither the concerned workmen nor their representative is found present. None also appears on behalf of the management. It transpires from the record that the instant reference is pending since 2003 for disposal. It also further transpires that consecutive notices and show cause notice were issued to the concerned workman/sponsoring union. As per Rule 10(B) of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file Written Statement on their behalf within 15 days from the date of receipt of the order of reference. The concerned workmen/sponsoring union not only violated the said provision of Rule but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workmen/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of this case. Hence the case is closed. Accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का. आ. 3137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बेंगलोर के पंचाट (संदर्भ संख्या 32/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-08-2005 को प्राप्त हुआ था।

[सं: एल-12012/15/2001-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 5-8-2005.

[No. L-12012/15/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT "SHRAM SADAN",

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE-560022

Dated : 21st July, 2005

PRESENT : SHRI A.R. SIDDQUI

Presiding Officer

C.R. NO. 32/01

I PARTY

Shri Prakash Prabhu,
Sri Ganesh Nilaya, No. 58,
Bannerghatta Post,
Bangalore-560083

II PARTY

The Managing Director,
Canara Bank, CB,
Head Office, No. 112, J.C.
Road
Bangalore-560002

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-12012/15/2001/IR(B-II) dated 27th April, 2001 for adjudication on the following schedule :

schedule

"Whether Shri V. Prakash Prabhu, former daily wager is justified in claiming regular employment from the Management of M/s. Canara Bank, Bangalore? If not, what relief the disputant is entitled for?"

2. The case of the first party workman, as made out in the Claim Statement, in brief, is that he was working under the Second Party as, Daily Wage worker since 1982

and worked for about 257 days in 1982, 194 days in 1983 and 120 days in the year 1984 as a Sub Staff; that apart from the above dates he worked continuously on daily wage from March 1995 to February 1996 for a period of 249 days as a sub staff to the utmost satisfaction on the officials of the Second Party Bank inviting no adverse remarks during the above said period; that during the month of February 1996 the Second Party all of a sudden refused to provide work to the first Party without assigning any reason much less holding any enquiry and several representations made by him to the Second Party claiming work on daily wage basis gone in vain as no action was taken by the Second Party in that regard; that on account of refusal of the work by the Second Party, the first party and his family have been put to great hardship; that in case services of first party are to be regularized no hardship will be caused to the Second Party. On the other hand it is the first party and his family will be put to hardship without any employment and the earnings of the first party.

3. The Second Party management filed its Counter Statement and *inter alia* contended that it is a Nationalised Bank having several branches across the country. The persons seeking employment to the bank are to follow the prescribed procedure and the service conditions governed by Sastry Award, Desai Award and Bipartite Settlement entered into between the Bank representative and All India Unions representing the workmen; that the bank has adopted a policy of engaging daily wagers to meet the exigencies and for smooth functioning of the bank, it will engage daily wagers in the leave vacancy of the subordinate staff as well as whenever there is any temporary increase in the workload. For this purpose a panel of Daily Wagers will be maintained at the District Level empanelling the daily wagers to fulfill their requirements as qualifications, age etc. and sponsored by the Employment Exchange subject however, to the merits going through process of selection by an interview. These Daily Wagers are engaged on day to day basis and they will be eligible daily wages for the day of their engagement. This being the case, the first party was never engaged as a daily wager nor empanelled in the list of daily wagers nor by way of process by Employment Exchange. However, he was engaged as a Coolie on casual basis by Second Party's Town Hall branch to meet temporary exigencies. Even otherwise the first party is not eligible for empanelment as a daily wager since he was engaged only as a Coolie for a period of less than 240 days on casual basis intermittently during the years 1995, 1996. He did not work for 240 days in any 12 calendar months. He was engaged only for 159 days and paid Coolie charges towards his work during the period 1995, 1996. Therefore, he cannot claim or raise dispute as discontinuation of his engagement by the Second party did not attract any provisions of the ID Act or any other law. Moreover, his services were discontinued during the year 1996 and whereas, he raised the dispute after a long delay and that itself shows lack of bonafides of his claim. The management denied the contentions of the first party that he worked under it during the years 1982, 1983 & 1984 for 257 days, 194 days and 120 days, respectively. It contended that the first party was engaged

only as a Coolie purely on casual basis only for 159 days intermittently during the period from 15-4-1995 to 16-2-1996 to meet the temporary exigencies. The management also denied the contention that the first party made several representations seeking employment and there was no action taken by it on such representations. The management finally requested this tribunal to reject the reference.

4. Now therefore, in the light of the above, the points as per the reference to be gone into would be—

- “(1) Whether the first party said to be former daily wager is justified in claiming regular employment from the management?
- (2) If not, to what relief the first party is entitled to?”

5. During the course of trial after filing of the Counter Statement by the management, the matter came to be posted for evidence to be adduced by the first party as burden of proof as per the above said point was cast upon the first party. It is very unfortunate to note that the first party who made appearance through counsel before this tribunal remained absent through out the trial and there was also no representation on his behalf even by his counsel. He failed to adduce evidence when the matter was posted for the above said purpose and therefore, the Second Party Management was called upon to lead evidence in support of the various contentions taken by it in their Counter Statement. On behalf of the Second Party the Management examined one witness MW1 and got marked 4 documents at Ex. M1 to M4.

6. The management witness in his affidavit by way of Examination Chief almost, reiterated the various contentions taken by the management in its Counter Statement. His averments at para 4 of the affidavit relevant for the purpose and his statement in further examination chief referring to the aforesaid four documents are as under :—

Para 4 : I submit that I have produced three registers called as General Charges Paid Registers for the period from (1) 2-6-94 to 6-3-95, (2) 7-3-95 to 8-11-95 and (3) 9-11-95 to 13-7-96, the said 3 registers may be marked as Exhibit M1, M2 and M3. That these 3 exhibits, show the charges and amounts paid to daily wagers, coolies and towards other expenses, as shown in said registers, that out of these 3 registers Ex. M1 is produced for the purpose of continuity with the other 2 registers i.e. Exhibit M2 and Exhibit M3, in fact the period relating to the intermittent engagement of first party as Coolie for a total period of 161 days spreading between the period 1-4-95 to 28-2-1996 are found in Exhibits M2 and M3 registers (i.e. at page Nos. 32, 39, 44, 48, 53, 62, 67, 74, 79, 83, 87, 93, 98, 105, 109, 113, 127, 132, 136, 147, 152, 157, 162, 165 and 185 of Exhibit M2 and the said entries relating to the first party in the said pages are marked as Ex. M2 Series). (Similarly at page Nos. 4, 5, 37, 41, 62, 63, 74 and 85 of Exhibit M3 and the said entries relating to the first party in the said pages are marked

as Exhibits M3 series). I submit that Exhibit M2 and M3 shows that the first party was engaged as a Coolie intermittently for 161 days during the aforementioned period of 1-4-95 to 28-2-96 and coolie charges for 161 days are paid to the first party. That in fact the first party is paid coolie wages through relevant vouchers basing on the relevant entries at Exhibit M2 and M3, however those vouchers are not available with the Second Party Branch, since they are misplaced at the time of transfer from one godown to the other godown of Second Party branch. However Exhibits M2 and M3 are the Registers maintained in the usual course of business and they give true and correct picture as to how many days correctly the first party was engaged by the Second Party branch. I have produced attested True Copy of District Daily wagers list relating to Bangalore for the period 1983 to 1997 to show that the first party is not included in the said daily wagers list, since the first party was not engaged as a daily wager, the said daily wagers district-wise list relating to Bangalore is marked as Exhibit M4.

Statement in Further Examination Chief :

“Today we have filed three General Charges Paid Registers for the period from 02-06-1994 to 06-03-1995, 07-03-1995 to 08-11-1995 and 09-11-1995 to 13-07-1996 respectively marked as Ex. M1 to Ex. M3. The days and wages paid to the first party have been mentioned in my affidavit with reference to the pages in the said Register as Ex. M2 series, so also I have stated in my affidavit for the days and wages with reference to the pages as per Ex. M3 series.”

7. The above said statement of management witness and the documents produced have gone uncontroverted and unchallenged there being no cross examination to the said witness on behalf of the first party as he and his counsel also remained absent on the date, the above said witness was examined. The first party and his counsel again remained absent when the matter was taken up for arguments. Therefore, after hearing the learned counsel for the Second party, the case is posted for award.

8. Learned Counsel for the Second Party in his argument submitted that the statement of MW1 has been very much corroborated by the documentary evidence marked before this tribunal at Ex. M1 to M4 and it is very much established by the management that the first party worked only as a Coolie on daily wage basis, that too, during the period 1995, 1996 intermittently for 159 days and therefore, his claim before this tribunal to regularize his services is not maintainable.

9. As seen above, as per the point of reference an heavy burden was cast upon the first party to establish before this tribunal that he worked continuously for a period of 240 days in 12 calendar months preceding his refusal of service by the management bank in order to attract the provisions of I.D. Act. Though the first party took up the contention that he worked under management during the years 1982, 1983, 1984 for 257 days, 194 days and 120 days respectively and further worked under the management as a Daily Wager from March, 1995 to February 1996, for a period of 249 days, failed to substantiate his case before

this tribunal by adducing any oral or documentary evidence. As noted above, despite the fact that he made appearance through counsel and filed his Claim Statement, remained indifferent to the proceedings before this tribunal all along for a period of more than one year. For the first time case was posted for evidence of first party on 30-6-04 and the trial was over by 28-06-05, then the argument of the learned counsel for the Second Party were heard and the matter came to be posted for award. The first party took no pains nor bothered about the proceedings before this tribunal. Therefore, having failed to adduce either oral or documentary evidence to substantiate the various contentions taken by him in his Claim Statement, the first party has miserably failed to discharge the burden of proof cast upon him by way of reference points. However, as seen above, the management on its part has taken pains to bring on record that truth of the matter by producing oral and documentary evidence. The above said statement of MW1 would make it abundantly clear that the first party was engaged by the Second Party bank as a Coolie intermittently for 159 days during the period 1-4-95 to 28-2-96. This statement MW1 has been fully supported and corroborated by the documentary evidence, viz. the registers called as 'General Charges Paid Registers' marked at Ex. M2 and M3 before this tribunal. MW1 in his aforesaid statement has given the details referring to the various pages in the registers to show as to how many days actually the first party worked under the management bank during the above said period. The entries made in the above said registers, get support to the statement of MW1. The contention of the management that the first party never worked as daily wager and that he did not figure in empanelment list of Daily Wagers is further proved in the document at Ex. M4 which is the attested copy of Daily Wagers list relating to Bangalore District from 1983 to 1997. In his further examination chief as seen above, MW1 has made it clear that the name of the first party never figured in the said daily wagers list during the period from 1983 to 1997. Therefore, the above said oral and documentary evidence produced by the management would establish beyond doubt that the first party was never engaged by the Second Party Management as a Daily Wager in the year 1982, 1983, 1984 and that he was engaged by the management as a Coolie on daily wages intermittently for a period of 159 days only during the year 1995 and 1996. The above said evidence pressed into service on behalf of the management would make it further clear that during the year 1995 and 1996 which is the period relevant for the purpose, the first party never worked under the Second Party Management either as a Daily Wager or as a Coolie on daily wage basis continuously for a period of 240 days or more so as to claim any relief under the provisions of I.D. Act much less regularization of his services by the Second Party Management. Not only the first party, as noted above, has failed to substantiate his case by producing any oral or documentary evidence but also the oral and documentary evidence produced by the management, referred to supra has gone unchallenged and undisputed on his behalf there being absolutely no cross examination to MW1 much less disputing the genuineness of documents produced by the management. In the result

there is no hesitation in the mind of this tribunal to hold that the claim put forth by the first party is not sustainable and accordingly the reference deserved to be rejected. Hence the following Award is passed.

AWARD

Reference is dismissed. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 21st July, 2005.)

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का. आ. 3138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 38/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-08-2005 को प्राप्त हुआ था।

[सं. एल-12011/208/2001-आई आर (बी-11)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 38/2002) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 3-8-2005.

[No. L-12011/208/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)

AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 38 of 2002

PARTIES :

Employers in relation to the management of Bank of India and their workman

APPEARANCES :

On behalf of the workman : Mr. T.N. Dubey, General Secretary, Bank of India Staff Association.

On behalf of the employers : None

State : Jharkhand Industry : Banking

Dated, Dhanbad, the 11th July, 2005.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of

the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12011/208/2001-IR (B-II) dated, the 2nd May, 2001.

SCHEDULE

“Whether the action of the management of Bank of India, Patna in rejecting the application to Shri T.N. Dubey to become member of Bank of India Retired Employee Medical Assistance Scheme is justified? If not, what relief is the disputant entitled to?”

2. The case of the concerned workman according to written statement submitted by the sponsoring union in brief is as follows :

The sponsoring union submitted that the concerned workman joined the services of the management as Clerk on 10-10-1965. They submitted that after completion of 35 years of service when he was as special Assistant, he sought for voluntary retirement from service. The competent authority of the Bank permitted the petitioner to retire from service voluntarily and he was relieved from service at the close of the Business hours of 15-12-2000. On the date of his retirement he attained the age of 58 years. After his retirement from service Bank i.e. the management sanctioned his terminal benefit which he was entitled to draw under service rules and the employees pension regulations 1995 of the Bank. They submitted that the management/Bank has introduced a scheme called “Bank of India Retired Employees Medical Assistance Scheme” which has come into force w.e.f. 4-12-97. The object of the said scheme is to provide financial assistance in meeting partly or fully, within the specified limit, hospitalisation expenses for treatment of specified diseases/ailments to retired employees and their spouses, where expenditure involved is large and the treatment is taken at hospitals/nursing homes which have been approved by the Bank for that purpose. Clause 4 of the scheme provides for membership. They submitted that as per Clause 4(d) of the Medical Assistance Scheme, 1997 its benefit can be availed of by the staff/workmen who voluntarily gets retirement from the Bank's service in terms of the provisions of Bank of India Employees Pension Regulation, 1990 after completion of 55 yrs. of age or 30 years of service in the Bank and not gainfully employed. They submitted that the said medical benefit scheme is one of the welfare measure introduced by the Bank to its retired employees or who would be retiring from service on attaining the age of superannuation. The Bank has introduced this scheme with the sole object of providing financial assistance either partly or fully for treatment of specified diseases within the specified limit to hospitals/nursing home approved by the Bank. They submitted that the concerned workman after his voluntary retirement from service applied for membership of the scheme in the prescribed form along with demand draft valued Rs. 5400 which is equal to half of the basic salary last drawn by him by his application dt 21-4-2001. The respondent Bank of its communication dt 9-5-2001 has returned the application and the draft to the petitioner stating that the facility for voluntarily retired employees has since been withdrawn. Being aggrieved with the decision of the respondent Bank the concerned workman raised an industrial dispute before the ALC(C).

Patna for conciliation which ultimately resulted reference to this Tribunal. It is the specific allegation of the sponsoring union that the management illegally, arbitrarily and violating the norms as laid down in the said scheme has refused to accept the membership of the concerned workman. Accordingly the sponsoring union submitted prayer to pass award directing the management to extend the facility for benefit of medical assistance scheme in favour of the concerned workman, and his spouse from the date of his application dt 21-4-2001 along with other consequential benefits if any.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the Written Statement submitted on behalf of the concerned workman. They submitted that rejection of the application of the concerned workman for membership of the “Bank of India Retired Employees Medical Assistance Scheme” was justified. They submitted that the said scheme contains the conditions for being member under it and is administered through a specially constituted managing committee which consists of General Manager and Deputy General Manager (HR) of the Bank, representative from the Bank of India Officers Association, representative Federation of Bank of India Staff Union and an officer nominated by the General Manager (HR) who acts as Member Secretary. They submitted that as per Clause 4 of the said scheme it is evident that the employees getting voluntary retirement under the Bank's Voluntary Retirement Scheme—2000 (VRS-2000) have not been made eligible for membership. The concerned workman Shri T.N. Dubey retiring under V.R.S. 2000 has no *locus standi* to claim for membership of the Scheme. They submitted that the concerned workman was a Staff Clerk in the Bank and had taken Voluntary Retirement in terms of Specially devised Scheme known as V.R. Scheme 2000 which was not covered under the said condition. It has been specifically clarified under clause 4 of the said Scheme that the employees closing service of the Bank for other reasons will not be eligible for membership benefits under the Scheme. Thus employees retiring under V.R.S. 2000 is not included under this Scheme. Further they submitted that the managing committee administering the said medical assistance scheme has also taken a considered decision during its meeting held on 20-3-2001 that the employees taking Voluntary Retirement under the Bank's V.R.S. 2000 cannot be admitted as members of the scheme till the fund position of the scheme improves. This decision was conveyed for information to all by Bank's Circular dt. 4-4-2001. They further submitted that the said medical assistance scheme is not a statutory scheme and is getting fund out of the Bank's Staff Welfare Fund. The scheme would certainly be rendering unviable if membership is provided to about 7500 persons obtaining voluntary retirement under VRS—2000. If it is so then this scheme will certainly be wound up. In view of the facts and circumstances stated above it has been submitted by the management that the claim of the concerned workman for becoming a member of the said scheme cannot be accepted and as such should be rejected straightway.

4. Points to be decided

“Whether the action of the management of Bank of India, Patna in rejecting the application of Shri T.N. Dubey to become member of Bank of India Retired Employee Medical Assistance Scheme is justified? If not, what relief is the disputant entitled to?”

5. Finding with reasons

Considering the facts disclosed in the pleadings of both sides and also considering evidence of WW-1 and MW-1 there is no dispute to held that management introduced a scheme which is called as “Bank of India Retired Employees Medical Scheme.” The said scheme came into operation with effect from 4-12-97 with the sole object of providing financial assistance either partly or fully for treatment of specified diseases within the specified limit to hospitals/nursing homes. Clause 4 of the said scheme has provided who will be eligible to become member under the said scheme. The said scheme has categorised three types of pensioners who would be eligible for membership. First category is those employees/officers who have retired or would retire from the Bank on completion of 30 years of service. Second category is those employees/officers, who have been or will be allowed to retire on medical grounds and the last category is those employees/officers who have retired or will retire on attaining superannuation age of 58/60 years. It has been submitted by the concerned workman that after his voluntary retirement as per V.R. Scheme 2000 introduced by the management he submitted application for enrolment for being a member under the said scheme and alongwith the said application duly filled in he enclosed a demand draft amounting to Rs. 5400 which equal to the half of the basic salary last drawn by him. He alleged that inspite of his attaining eligibility to be membership of the said scheme the management has returned by letter dt. 9-5-2001 the application and draft to the petitioner taking the plea that the facility for VRS employees has since been withdrawn he is not eligible for membership of the said scheme. The letter of refusal which was communicated to the concerned workman during his evidence was marked as Ext. W-3. In the said letter it has been disclosed by the competent authority that since the facility has been withdrawn the claim of the concerned workman cannot be considered for enrolment of his name under the said scheme. On the contrary though this reason has been assigned in the letter marked as Ext. W-3, management in their Written Statement has taken a different plea for not accepting the claim of the concerned workman. They disclosed that in a decision held on 20-3-2001 taken by the managing committee it was decided that the employees taking Voluntary Retirement under the Bank's VRS—2000 cannot be admitted as members of the scheme till funds position is improved. They further in para-13 in the Written Statement disclosed that the competent authority is not in a position to enrol membership of as many as 7500 retired employees who have got their retirement under VRS—2000. The VR Scheme during evidence of WW-1 was marked as Ext. W-1. The eligibility criteria for opting V.R. as per the said scheme is as follows :—

“All permanent employees of the Bank with 15 years of service or 40 years of age, as on 01-11-2000.

The following employees are not eligible for Voluntary Retirement under the Scheme :—

- (a) Specialist Officers/Employees who have executed service bonds and have not completed it, Employees/Officers serving abroad under special arrangements/bonds, will not be eligible for VRS (the Board of Directors may, however, waive this subject to fulfilment of the bond/other requirements).
- (b) Employees against whom disciplinary proceedings are contemplated/pending or are under suspension.
- (c) Employees appointed on contract basis.
- (d) Any other category of employees as may be specified by the Board.”

The claim of the concerned workman appears to be quite different. The concerned workman pointing out clause 4 (d) of Bank of India Retired Employees Medical Assistance Scheme submitted categorically that he is very much entitled to enrol his name as member of the said Scheme. Clause 4(d) speaks as follows :—

“Those who have taken voluntary retirement from the Bank's Service in terms of the provisions of Bank of India Employees Pension Regulation, 1990 after completion of 55 years of age or 30 years of service in the bank and not gainfully employed are eligible to enrol their names as members under the said Scheme.”

The concerned workman disclosed that he joined his service under the management as clerk on 10-10-65. After successful completion of the probationary period he was confirmed in the post by the management and after completion of 35 years of service when he was special Assistant he sought for voluntary retirement from service. The competent authority of the Bank permitted the petitioner to retire from service voluntarily and he was relieved from service at the close of Business hours on 15-12-2000. On the date of his retirement he attained the age of 58 years. This witness further disclosed that as per Pension Regulation Scheme, 1995 introduced by the management he is eligible for Pension and he is drawing Pension under the said Scheme. Disclosing this fact the concerned workman submitted that in no circumstance the competent authority can refuse to allow him to become a member particularly when he fulfils the conditions for membership as laid down in clause 4(d) of the Bank of India Retired Employees Medical Assistance Scheme. The plea which has been taken by the management is that as it is not possible to enrol 7500 employees who have been retired under V.R.S. —2000 to become members of the said scheme due to shortage of fund they could not consider the claim of the concerned workman. As per the eligibility criteria of V.R. Scheme an employee who completed 15 years of service or 40 years of age as on 1-11-2000 is eligible to submit Voluntary retirement under V.R. Scheme 2000. Therefore, as per the said scheme an employee who fulfils criteria (a) is eligible to get benefit of the said V.R. Scheme. Clause 4 of Bank of India Retired Employees Medical Assistance Scheme, however does not provide any facility to enrol the name of any retired employee who gets

voluntary retirement on completion of 15 years of service or attaining 40 years of age as on 1-11-2000. The case of the concerned workman should not be equated with the eligibility criteria as laid down under Voluntary Retirement Scheme. It is seen that the concerned workman opted for his voluntary retirement after completion of his 35 years of service particularly when he got his eligibility to draw Pension as per Bank of India Pension Regulation, 1995. Even if this Voluntary Retirement Scheme 2000 was not introduced by the management as per clause 4(d) of the said Medical Assistance Scheme the concerned workman would get his eligibility to enrol his name as member under Medical Assistance Scheme on his tendering resignation his voluntary retirement otherwise. Therefore, it is clear that special Voluntary Retirement Scheme 2000 did not affect the eligibility criteria to get membership of the concerned workman under the said Medical Scheme. Considering this fact there is sufficient reason to believe that taking the plea of this V. R. Scheme of 2000 the competent authority intended to ignore the claim of the concerned workman for enrolling his membership under the said Medical Assistance Scheme which I consider is absolutely illegal arbitrary not only but also it violated the principle of natural justice. The management as per the said Medical Assistance Scheme is bound to enrol membership of the employee who have got their voluntary retirement otherwise or under the special scheme if it is found that the said employee has fulfilled the condition as laid down under clause 4 of the Bank of India Retired Employees Medical Assistance Scheme. After careful consideration of all the material facts I find sufficient ground to hold that management illegally and arbitrarily refused to enrol the name of the concerned workman as member of the Employees Medical Assistance Scheme particularly when it has been proved beyond all shadow of doubt that he has fulfilled the condition as laid down in clause 4(d) of the said scheme.

In the result, the following Award is rendered :—

“The action of the management of Bank of India, Patna in rejecting the application of Shri T.N. Dubey to become member of Bank of India Retired Employee Medical Assistance Scheme is not justified. Consequently, he is entitled to be enrolled as member of the Bank of India Retired Employees Medical Assistance Scheme if he re-submits the application in the prescribed form duly filled in along with the subscription within three months from the date of publication of the Award in the Gazette of India.”

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का. आ. 3139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्मॉल इंडस्ट्रीज डेवलपमेंट बैंक ऑफ इंडिया के प्रबंधन के संबंध में निर्यात और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2 नई दिल्ली के पंचाट (संदर्भ संख्या 49/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-08-2005 को प्राप्त हुआ था।

[सं. एल-12011/242/2002-आई आर (बी.-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 49/2003) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Small Industries Development Bank of India and their workman, which was received by the Central Government on 03-8-2005.

[No. L-12011/242/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI

Presiding Officer : R. N. RAI

I. D. NO. 49/2003

In the Matter of :—

The President,
Delhi Mazdoor Sangathan (Regd.),
Plot No. 1, Udasin Mandir,
Aram Bagh, Paharganj,
New Delhi.

VERSUS

The Chief Managing Director,
Small Industries Development Bank of India,
Vedecon Tower, Jhandewalan Extension,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-12011/242/2002/IR (B-II) Central Government dt. 22-04-2003 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Small Industries Development Bank of India, New Delhi in not regularizing the services of S/Shri Ram Avtar. S/o. Ram Chander, Rajesh, S/o Late Nathu Ram, Raju S/o Dharma, Naresh Kumar, S/o Late Bishambar and Om Prakash S/o Nanak Chand from the date of their initial appointment is just, fair and legal? If not, what relief the concerned workmen are entitled to and from which date?”

The reference was received in 2003 and notice was issued to the President of the Organization. He did not turn up. He has not filed statement of claim. Notices have been sent again on 27-04-2005 still none has turned up. No statement of claim has been filed.

No dispute award is given.

Date : 26-07-2005.

R. N. RAI, Presiding Officer

ई दिल्ली, 8 अगस्त, 2005

का.आ. 3140.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 18/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-2005 को प्राप्त हुआ था।

[सं. एल-12012/152/2000-आई आर (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2001) of the Central Government Industrial Tribunal-cum-Labour Court Bangalore, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workmen, which was received by the Central Government on 5-8-2005.

[No. L-12012/152/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
"SHRAMSADAN"**

**III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE-560 022.**

Dated : 27th July 2005

PRESENT:

SHRI A.R. SIDDIQUI

Presiding Officer

C.R. No. 18/01

I Party

The General Secretary,
Vijaya Bank Employees
Association,
No. 67, 2nd Floor,
K.G. Road,
Shantinagar,
Bangalore-560 027

II Party

The Regional Manager,
Vijaya Bank,
VB, Head Office,
41/2, M.G. Road,
Trinity Circle,
Bangalore-560 001

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-12012/152/2000/IR(B-II) dated 12th February 2001 for adjudication on the following schedule :

SCHEDULE

"Whether M/s. Vijaya Bank is justified in terminating the services of Shri S. Krishna Mogera, Clerk, Bhatkal Branch? If not, what relief the workman is entitled to?"

2. While challenging the impugned punishment order terminating his services, in his Claim Statement at paras 3 to 5, the case made out by the first party workman reads as under :—

Para 3 :—That the workman was working as clerk at Bhatkal Branch, he has been performing his duty with honesty, integrity, devotion and diligence. He has blemishless service. On 29-8-96 the Second Party issued a charge sheet alleging that the workman is remaining absent from duty unauthorizedly and very frequently without prayer sanction of leave and without even intimating the authorities in disregard to the leave rules of the bank. It is alleged that the workman is unauthorizedly absent for 298 days on 63 occasions from 5-4-94 to 9-3-96. It is further alleged that he has submitted leave application belatedly in violation of leave rules, he also submitted leave application and medical certificate after reporting of duty.

Para 4 :—That the workman has not submitted any reply to the charge sheet, the Second Party conducted the enquiry. The Second Party examined one witness and 63 documents. The enquiry officer held that all the charges are proved. It is relevant to submit that the workman was not given any opportunity to cross examine the witnesses. On 29-9-07 a notice proposing punishment of removal was served on the workman. They submitted a reply dated 8th October 1987. In the reply he requested that he may be given an opportunity to continue his service. He also submitted that the absence is due to distress and his family problems. The disciplinary authority without considering the reply has passed the order of removal the same is illegal. The workman submitted an appeal to the appellate authority on 3-1-98 the Appellate Authority has not considered the appeal on its merits. The First Party Union raised a dispute before the consolation Officer under the ID Act. The Second Party filed a counter Statement before the consolation officer and stated that the workman absent for several period from 1989. It is relevant submit that in respect of the allegation of absence from 1989 to 1993 a charge sheet was issued and the matter was closed after issuing punishment of withdrawal of one increment. Therefore, the consideration the allegation for absence from 1989 to 1993 is vitiated the process of decision making in imposing the penalty. Therefore, the workman is entitle for the relief claimed.

Para 5 :—That the medical certificate and leave application submitted by the workman was not considered by the Second Party. Therefore, the enquiry held against the workman is in violation of the Principles of Natural justice and contrary to the facts. Wherefore, the first party prays that this court be pleased to answer the reference in favour of the

workman and declare that the order of removal dated 22-12-97 is illegal and to grant all consequential benefits in the interest of justice and equity."

3. The Second Party Management bank filed its counter statement and resisted the Claim of the first party *inter alia* contending that the first party joined its services as a sub staff on 2-11-73 and was promoted as Clerk on 1-7-81 and his total period of service was 24 years as on the date he was removed from service. At Para 5 of the Counter statement, the nature of the duties of Clerk would have been carried out by the first party workman are given as under :—

- (1) Working in the Counter in SB, Current Deposits etc., like preparing slips entering the ledger, entering cheques in ledger,

- (2) Preparing deposit receipt and other connected work in deposits.
(3) Writing sub-days,
(4) Writing day books and General Ledger,
(5) Preparing statements & returns
(6) Assisting in loans, bills department
(7) Other Miscellaneous work.

4. At Para 8, the management contended that while working as a Clerk the first party remained unauthorisedly absent from duty for a total number of 491 days on different occasions between 31-7-89 and 4-2-93. He was charge sheeted and was punished for his unauthorized absence and allied acts of proven misconduct as many as 7 occasions. The details of the punishment imposed on the first party are given as under :—

Sl. No.	Charge Sheet No. & date.	Period of unauthorized absence	No. of charges	Clause/subclause of Chapter XIX of Bipartite Settlement, 1966 under which he was charge sheeted	Outcome of the Department at enquiry	Nature of Punishment and date
1	2	3	4	5	6	7
1.	MNZ/IRS/CS/44/89 dated 10-10-89	23 days between 31-7-89 and 31-8-99	2	19.7(a) 19.5(e)	Proved	In all Stoppage of one increment temporarily for a period of six months vide final order No. MNZ/IRS/24556/89-90 dated 17-3-90.
2.	MNZ/IRS/CS/53/89 dated 12-12-89	29 days between 7-10-89 and 13-11-89	2	19.7(a) 19.5(e)	Proved	In all Stoppage of one increment for a period of one year temporarily vide Final Order No. MNZ/IRS/3754/9091 dated 28-5-90
3.	MNZ/IRS/CS/6/91 dated 13-12-91	24 days between 4-1-90- and 17-11-90	3	19.7(a) 19.5(a) 19.5(e)	Proved	In all Stoppage of one increment temporarily for a period of six Months vide final order No. MNZ/IRS/8704/91-92 dated 9-8-91 and MNZ/IRS/11484/91-92 dated 12-9-91
4.	MNZ/IRS/CS/45/91 dated 30-10-91	161 days between 21-3-91 and 23-9-91	2	19.7(a) 19.5(e)	Proved	In all Stoppage of one increment temporarily for one year vide final order No. MNZ/IRS/23087/91-92 dated 14-3-92
5.	PER/IRD/CS/72/92 dated 21-8-92	141 days between 30-9-91 and 11-5-92	5	19.7(a) 19.7(d) 19.5(e) 19.5(j) 19.6(f)	Proved	In all punishment of stoppage of two increments permanently vide final order No. PER/IRD/988/93 dated 27-2-93
6.	PER/IRD/CS/243/93 dated 5-10-93	17 days between 16-6-93 and 17-8-93	4	19.7(a) 19.5(e) 19.5(j) 19.5(f) 19.5(i)	Proved	In all one increment was stopped temporarily for a period of six months vide order No. PER/IRD/1993/94 dated 8-6-94
7.	PER/IRD/CS/19/94 dated 21-3-94	16 days between 8-11-93 and 4-12-93	4	19.7(a) 19.5(e) 19.5(j) 19.5(f)	Proved	In all imposition of punishment of Censure and Stoppage of one increment permanently was ordered vide final order No. PER/IRD/121/96 dated 28-1-95

5. The management further contended that the Disciplinary Authority in all the 7 occasions treated the unauthorized absence of the workman as loss of pay and advised him not to repeat such or similar misconduct in future. The first party failed to mend his attitude. He once again remained absent from duty unauthorisedly for a period of 298 days on 63 occasions between 5-4-94 to 11-3-96. He failed to report for duty despite the directions given by the management. He went on submitting leave applications belatedly, some times, on medical grounds and some times on the ground 'Urgent work' and 'on Domestic Urgent Work'. Therefore, in the light of the above said circumstances, the management decided to initiate disciplinary enquiry proceedings against the first party for 8th time and accordingly charge sheet dated 29-8-96 was issued to him listing the following four charges :—

- (i) That he is alleged to have remained absent from duty unauthorisedly without adhering to the leave rules of the bank which would amount to minor misconduct under sub-clause (a) of Clause 19.7 of Chapter XIX of the Bipartite Settlement, 1966.
- (ii) That his alleged habitual act of remaining absent from duty, unauthorisedly would amount to his having committed the gross misconduct under sub-clause (f) clause 19.5 of Chapter XIX of the Bipartite Settlement, 1966.
- (iii) That his alleged act of non compliance of lawful and reasonable instructions of his officials superiors would amount to his having committed the gross misconduct under sub-clause (3) of Clause 19.5 of Chapter XIX of Bipartite Settlement, 1966.
- (iv) That his alleged action of remaining absent unauthorisedly and continuously without any intimation to the Second Party for a period of 48 days from 11-9-95 to 28-10-95 would amount to his having committed the gross misconduct under sub-clause (p) of Clause 19.5 of "Bipartite Settlement, 1966".

6. That the first party submitted his explanation dated 14-9-96 admitting the charges voluntarily and unconditionally requesting the disciplinary authority to treat the matter under Clause 19.12(e) of Bipartite Settlement of 1966. His request to treat the matter under Clause 19.12(e) of the said settlement was rejected as he did not deserve such a treatment. Therefore, enquiry officer was appointed on the aforesaid charge sheet, during which enquiry, once again the first party admitted the charges of misconduct and participated in enquiry proceedings. During the

enquiry the management produced oral and documentary evidence and the learned Enquiry Officer based on the material placed before him submitted his findings holding the workman guilty of all the four charges. The first party having received the enquiry report, by his letter dated 15-9-97 the first party did not wish to submit any representation with regard to the enquiry report. Therefore, taking into consideration, the past service records of the workman and gravity of the misconduct committed by him, the Disciplinary Authority by its order dated 20-9-97 proposed the following punishments :—

Charge	Punishment
Charge No. 1 :	Stoppage of one increment temporarily for a period of six months.
Charge No. 2 :	Removal from the service of the Bank with Superannuation benefits as would be due otherwise at this stage and without disqualification from future employment.
Charge No. 3 :	Removal from the service of the Bank with Superannuation benefits as would be due otherwise at this stage and without disqualification from future employment.
Charge No. 4 :	Stoppage of two increments permanently.

7. Those punishments were to run concurrently. The order proposing the above said punishment was communicated to the first party and he was given an opportunity of hearing. He submitted his representation dated 8-10-97 requesting that he may be given an opportunity to continue in the service with an assurance that he would be regular in his duties in future. Not being satisfied with the reply of the first party and after going through the entire connected records and his past service records, the aforesaid punishment orders were confirmed by the Disciplinary Authority vide order dated 29-11-97. At Para 27 of the Counter Statement, the management contended that the Domestic Enquiry conducted against the first party is in compliance with the provisions of above said settlement and also in accordance with the principles of natural justice. At para 28 it contended that the first party since failed to mend his ways or reform himself despite being charge sheeted and punished as many as 7 times for his unauthorised absence, as a last resort, the disciplinary authority decided to take a punitive action against the first party as on account of long and frequent unauthorised

absence of the first party, the management bank business was dislocated and disrupted. He has been awarded punishment of removal from service after weighing the pros and cons of the need to show compassion and need to maintain organisation efficacy. The punishment therefore, was commensurate with the gravity of the misconducts committed by the first party. There cannot be any compromise in the guise of sympathy in a case of such a gross indiscipline. Therefore, the management requested this tribunal to dismiss the reference.

8. Keeping in view the respective contentions of the parties with regard to the fairness and validity of the enquiry proceedings, this tribunal on 4-6-04 framed the following Preliminary Issue :

“Whether the Domestic Enquiry conducted against the first party by the Second Party is fair and proper?”

On 8-2-2005, learned counsel for the first party filed a memo conceding the fairness of the enquiry proceedings and therefore, finding was recorded to the effect that Domestic Enquiry held against the first party was fair and proper. And the matter came to be posted to hear on merits of the case.

9. On 16-6-05 and 7-7-05, learned counsels representing the respective parties since remained absent, arguments on merits were taken as heard and case is posted this day for award.

10. Keeping in view the finding recorded by this Tribunal holding the Domestic Enquiry held against the first party by the Second Party is fair and proper, the next two questions to be gone into by this tribunal would be as to “Whether the findings of the Enquiry Officer suffered from any perversity and as to whether the punishment imposed upon the first party removing him from service was disproportionate and not commensurate keeping in view the misconduct committed by him”?

11. In order to appreciate the question about the perversity of the findings, it appears to me worthwhile to bring on record the very observations made and the reasonings assigned by the learned Enquiry Officer on charges 1 to 4 levelled against the first party found on pages 3 to 7 of the enquiry report running as under:—

Charge No. 1 : MW1 i.e. Shri B. Vishwanath Shetty, the incumbent Branch Manager of Bhatkal branch at page No. 3 of Enquiry Proceedings had deposed that he is fully aware of the circulars and guidelines prescribed by the bank vide codified circular Nos. 65/93 and 101/93 and had explained briefly the salient features thereof.

Before dwelling upon the alleged lapses on the part of CSE, let me discuss here the relevant provisions

of “Leave Rules” of the Bank laid down in HO codified Circulars No. 65/93 and 101/93, which have bearing on the charges levelled against CSE.

- (i) An employee who desires to obtain leave of absence, other than casual leave, shall apply in writing to the Branch Manager in the prescribed leave application Form (11-98). Such application for privilege Leave shall be made not less than one month before the date from which the leave is to commence, except in urgent cases or unforeseen circumstances including illness when it is not possible to do so.
- (ii) No leave or extension of leave shall be deemed to have been granted unless an order to that effect is passed and communicated to the employee concerned.
- (iii) Leave of all kinds cannot be claimed as of right, when the exigencies of service so require, discretion to refuse or revoke leave of any description is reserved to the authority granting it.
- (iv) An employee other than a member of the Executive Committee of a registered Trade Union of Bank Employees will not be entitled to take privilege leave or more than 3 occasions in a calendar year.
- (v) Even in the case of casual leave, ordinarily, the previous permission of the sanctioning authority shall be obtained before taking such leave and when this is not possible, the said authority shall be informed as soon as practicable in writing or if writing is not possible, orally or through any person, of the employee's absence. In any event, a written application shall be submitted to such authority latest on the date of the employee resumes duty or enter in the Casual Leave Card, as the case may be.
- (vi) Staff members seeking leave on medical grounds should invariably submit medical certificate along with leave application or within 3 days from the date of application seeking leave on medical grounds. In case an application for Sick Leave is submitted after inordinate delay without proper justification, the delay cannot be condoned and period of absence upto the date of receipt of leave application should be treated as unauthorised absence and hence on loss of pay.

- (vii) If an employee is absent for more than a day and if there is no leave application from the employee, his/her absence should normally be treated as unauthorised and hence on loss of pay.

On perusal of Ex. M1 to Ex. M63 i.e. leave applications on different dates submitted by the CSE to the branch, it is observed that on all the 63 occasions of absence from duty of the CSE, the leave applications were submitted by him only on the date of his resuming duty. While on the first 3 occasions mentioned in the charge sheet, the reason attributed for the absence of CSE was "medical grounds", on the remaining 60 occasions, the cause for his absence was 'urgent work' barring one occasion wherein it was "domestic work".

Comparing the CSE's action of submission of leave applications belatedly as described supra vis-a-vis the leave rules of the bank as narrated herein before, it emerges that the CSE had violated the leave rules of the bank described earlier. On the first 3 occasions, even though the absence of CSE was on medical grounds and he had the option of submitting the medical certificate within 3 days, but the leave application should have been submitted by him on the date of his absents from duty itself. In the instant case, by submitting the leave applications only on the day of his resuming duty, CSE had committed breach of leave rules of the bank and no explanation for his said action was given by the CSE.

In other cases, the leave applications were submitted by the CSE on the day of his resuming duty and no explanation was offered by him for the same. Moreover, in the first 58 cases (i.e. Ex. M1 to Ex. M58) CSE had applied for "leave on loss of pay" which means that CSE himself was aware of the fact that he had no leave of any kind to his credit. When the leave record of CSE was in a bad shape, it was absolutely essential for CSE to adhere to the leave rules of the bank scrupulously and desist from absents from duty which he had failed to abide relentlessly. From the foregoing discussions, it is quite clear that the absence of CSE on various periods mentioned in the charge sheet is unauthorised and in this regard leave rules of the bank was not adhered to by him. Accordingly, I hold that charge No. 1 is proved against CSE.

Charge No. 2 : I see force in the contentions of Presenting Officer in this regard. Ex. M1 to Ex. M63 do show that the leave applications in respect of his absence on various periods were submitted by the

CSE only on the date of his resuming duty (barring one or two cases). In so far as the CSE had submitted the leave applications belatedly on all the 63 occasions which is in contrast to the leave rules of the bank, such action construes habitual and consequently the absence of CSE in violation of leave rules of the bank becomes unauthorised. Accordingly, I hold that charge No. 2 is proved against CSE.

Charge No. 3 : The Presenting Officer has cited 6 documents viz. Ex. M64, 65, 66, 67, 69 and 70 in support of the charge. He has further submitted that the CSE was advised in the past by various Disciplinary Authorities to be careful and not to repeat such or similar misconduct in future which are evidenced from Ex. M72 to Ex. M78. Receipt of Ex. M64, 65, 66, 67, 69, 70, 72 to 78 by the CSE is not denied by him. Each letter referred supra addressed to CSE by his controlling authority (Ex. M64, 65, 66, 67, 69 and 70) viz. the Branch Manager, i.e., MW1 speaks that the CSE had remained absent from duty unauthorisedly without submitting the leave application. But the CSE had disregarded, the said instructions of his controlling authority and continued to be absent from duty unauthorisedly on subsequent occasions also as are evident from Ex. M25 to Ex. M63. In Ex. M67 and 69 i.e. letters dated 16-9-1995 and 5-12-1995 addressed to CSE by his controlling authority i.e. MW1, the CSE was instructed to report back for duty immediately, whereas, it is observed from Ex. M53 and Ex. M57 i.e. leave applications dated 30-10-95 and 14-12-95 that the CSE continued to be absent from duty unauthorisedly till 28-10-95 and 13-12-95 respectively, which implies that CSE had disobeyed the instructions of his official superior. (Ex. M66) addressed to him by the RM, RQ-Shimoga calling for his explanation in respect of his unauthorised absence. Further, from Ex. M-72 to Ex. M-78 i.e. copies of the proceedings of various Disciplinary Authorities in the matter of disciplinary proceedings initiated against CSE in the past, it is observed that while imposing appropriate punishment to CSE for his proven misconduct of unauthorised absence and disobeyal of lawful and reasonable orders of the management etc., the CSE was advised not to repeat such or similar misconduct in future. Even though the CSE was repeatedly advised for 6 times subsequent to the first order dated 17-2-1990 not to repeat his above misconduct, the records placed before the enquiry reveal that CSE had unheeded to such advice and the misconduct on his part recurred again and again. From the

foregoing discussions, I hold that charge No. 3 is proved against CSE.

Charge No. 4 : It is observed from Ex. M-53 i.e. leave application dated 30-10-1995 that the CSE had remained absent from duty from 11-9-95 to 28-10-95 for which the leave application was submitted by him on 3-10-95 only, which means that in respect of his absence for such a long duration of 48 days there was no intimation to the branch till the CSE had resumed duty on 30-10-95. Such conduct of CSE is a breach of leave rules of the Bank and his absence for the above period construes unauthorised. Accordingly, I hold that charge No. 4 is proved against CSE.

The CSE in his oral submissions at the enquiry has stated that though in some cases of his absence necessary medical certificates were got produced by him, he was really sick. Besides, he had said that his mother and wife were not keeping good health and hence he could not attend the office on few occasions which was intentional and for such action he may be pardoned.

I do not see any merit in the above representation made by the CSE. In the absence of medical certificate in support of his purported illness, the contention of CSE that he was really sick on some occasions cannot be accepted. The CSE's place of residence is apparently in Baindur which is hardly 20 Kms away from Bhatkal branch. If the CSE really had genuine and pressing domestic problems, he could have apprised the Branch Manager of his difficulties in attending the office and took the latter's permission for his absence. He could have sent letters to the Branch Manager explaining his difficulties which also he had failed to do. No evidence was produced by him to substate that under certain compelling circumstances he was prevented from apprising the facts either orally or in writing to the controlling authority and submission of his leave applications in time in consonance with the leave rules of the bank. His other contentions also do not bear any force. Consequently, all the charges against CSE stand.

Conclusion : On analyzing all aspects of the case and giving a thoughtful consideration to the oral as well as documentary evidences adduced before the enquiry, I conclude that all the four charges framed against CSE in charge sheet No. PER : IRD : CS : 39/96 dated 29-8-1996 are proved and established."

12. As could be read from the Enquiry Report, in order to substantiate the charges of misconduct against the first party, the management examined one witness as MW1 and got marked in all 82 documents at Ex. MEX1 to MEX 82. As could be read from the enquiry proceedings as well as the enquiry findings, the first party did not choose to cross examine the management witness nor challenged the genuiness or veracity of the documentary evidence produced by the management. Learned Enquiry Officer as could be read from his findings dealt in with the above said evidence pressed into service on behalf of the management, concerning 4 charges of misconduct leveled against the first party and rightly came to the conclusion that all the aforesaid 4 charges have been established by the management by sufficient and legal evidence. That apart as noted above, from the very beginning itself i.e. while giving reply to the charge sheet and then during the course of enquiry, the first party has admitted the charges of misconduct voluntarily and unconditionally as could be read from the proceedings of the enquiry and the very explanation submitted by the first party to the aforesaid charge sheet. Therefore, findings of enquiry holding the first party workman guilty of the charges since is based on sufficient and legal evidence coupled with the admission of guilt made by the first party, by no stretch of imagination it can be said that they suffered from any perversity.

13. Now coming to the question on the punishment order, keeping in view the facts and circumstances of the case and the blatant attitude adopted by the first party in remaining himself absent from duty unauthorizedly quite frequently dislocating and disturbing the services being rendered by the banking institution and so also keeping in view the fact that the first party did not mend his ways and attitude after having been punished as many as on 7 occasions, the management in my opinion was left with no alternative but to get rid of the services of the first party. There was no point in allowing the first party to continue in service he never bothered for his duties showing scant respect to the directions issued to him to report duty, immediately.

14. As could be seen from the enquiry findings, it is on few occasions the first party remained absent from duty unauthorizedly on medical grounds submitting his medical certificates after joining duty but on most of the occasions he went on asking for leave just on the ground 'urgent work' or 'urgent domestic work' in disregard to the rules enjoined upon submitting the leave applications and sanctioning of leave well in advance before he remained absent from duty. The services of the first party in other words for all purposes had become redundant and he became a discarded element. When he did not mend himself despite being punished on 7 occasions, there was no point in keeping him service when he committed the

aforesaid misconducts, once again. The Disciplinary Authority in my opinion, in fact has taken a lenient view in terminating the services of the first party by order of removal from service with superannuation benefits without disqualification from future employment. However, in the face of the above said punishment imposed upon the first party as against Charge No. 3, it appears to me that the other 3 punishments awarded against the first party as against Charge Nos. 1, 2 and 4 were not called for. In the result the above said punishment order passed by the Disciplinary Authority can be modified to the above effect. Accordingly, the reference is answered and following award is passed.

AWARD

The punishment order passed by the Disciplinary Authority against the first party removing him from the services of the bank with superannuation benefits as would be due otherwise without disqualification from future employment as against Charge No. 3 is hereby maintained. The punishments imposed upon the first party as against Charge Nos. 1, 2 and 4 stand withdrawn. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 27th July, 2005)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का.आ. 3141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स के.बी. जेकब एण्ड सन्स के प्रबंधन के संबंध में निर्यात नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, अर्नाकुलम के पंचाद [संदर्भ संख्या 20/1997(सी)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-08-2005 को प्राप्त हुआ था।

[सं० एल-35011/1/1997-आई आर (एम)]

सी. गंगाधरन, अवसर सचिव

New Delhi, the 8th August, 2005

S.O. 3141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 20/97 (C)] of the Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. K.B. Jacob & Sons, Stevedores and their workmen, which was received by the Central Government on 03-08-2005.

[No. L-35011/1/1997-IR(M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(IN THE LABOUR COURT, ERNAKULAM)

(Tuesday, the 22nd day of March, 2005)

Present :

Sri. K.K. Uthran, B.Sc., LL.B.,
Presiding Officer

Industrial Dispute No. 20 of 1997 (Central)

Between :

M/s. K.B. Jacob & Sons,
Stevedores,
Cochin-682 001.

And

The workman of the above concern represented by the Joint Secretary, Cochin Thuramugha Thozhilali Union, P.B. No. 183, Kochi-682 002.

Representations :

Sri. P.R. Leslie Stephen, : For Management
Advocate,
Ernakulam.

Sri P.F. Thomas, : For Union
Advocate,
Ernakulam.

AWARD

This reference was made by the Central Government of India as per letter No. L-35011/197-IR (Misc.) dated 10-7-97. The dispute is between M/s. K.B. Jacob & Sons and their workman.

The dispute referred is :

SCHEDULE

"Whether the action of the management M/s. K.B. Jacob & Sons, Stevedores, Cochin-682 001 in terminating the service Shri T.V. Shanmugham, arbitrarily when he has put in more than 40 years of service, is just, proper and legal? If not, to what relief the workman is entitled to?"

2. The union filed claim statement raising the following :—

The management M/s. K.B. Jacob & Sons are stevedores in the Cochin Dock Labour Board. They denied employment to Sri. T.V. Shanmugham who was employed as rigger and worker attending gear transport to and from the steamers berthed in the wharves in the Island as well as stream berths. He was to retire from the service on 12-11-1996 on attaining the age of 60 years according to the management even though there was no stipulated. He was denied employment by the management since 1-2-1995 and was not paid any subsistence allowance during the period of non-employment. He was not paid any gratuity or compensation for termination of services without any justification or reason by the management. On complaints by the union various conferences were convened by Assistant Labour Commissioner (C) but a settlement could not be effected since the management avoided attending conferences. So the dispute was referred for adjudication by the Government by order No. L-35011/1/97/FR(Misc.) dated 10-7-1997 in exercise of its powers conferred by clause (d) of sub section (1) and sub section (2) A of Sec. 10 of the Industrial Disputes Act 1947.

The workman was employed under the management from 1955 onwards continuously without any break of service. He was employed as a rigger and also for

attending gear transport to and from the steamers berthed in the wharves in Island as well as stream berths. For about 20 years hand-carts were used for transport of gears. There were 2, 3 other casual workers to assist Shanmugham to the transport of gears. Subsequently a tempo van was purchased and hand-carts were replaced.

All the employees under the management stevedors were registered in the pool on the formation of the USA pool. The workers so registered belonged to the categories of foremen, non-DLB and general purpose mazdoors. The management required the worker to be with them. So he did not get registered in the USA pool. His services were required by them. So he continued with the employer. However the management denied employment to the worker from 1-2-1995 without any justification or reason. Wage arrears were due to him and all wages for five ships for attending to destuffing works. He continued unemployed till his date of retirement. According to the practise available among the stevedors the employer was liable to pay subsistence allowance to the employees in case he was not employed and that was not paid. The worker was not paid terminal benefits due to him as gratuity as well as retrenchment compensation on reaching the age of 60, while in the contract of employment there was no such stipulation. The workman was denied these entitlements arbitrarily and without any justification. Since the management failed to attend the conciliation proceedings a settlement could not be effected and the dispute resolved. The workman is entitled for his wages for the period he was kept out of employment as well as legal terminal benefits and other fringe benefits.

3. The management filed written statement raising the following contentions :—Claim statement filed by the union is not maintainable either in law or in facts and the same is liable to be dismissed.

All the averments and allegations made in the claim statement are denied by the management except which are specifically admitted hereunder.

It is true that the management by name M/s. K.B. Jacob and Sons are stevedors in the Cochin Port. But the allegation that the management denied employment to T.V. Shanmugham who was alleged to be employed as rigger and work attending the gear transport to and from the steamers berthed in the wharves in the Island as well as stream berth is not correct and denied by this opposite party.

The allegation regarding the retirement from service on 12-11-1996 on attaining 60 years of service is wrong and denied. It is submitted that T.V. Shanmugham was not appointed by the management for any regular work as alleged. He was not a worker under the management. The same can be proved by the relevant documents.

The allegation that the management denied employment to T.V. Shanmugham since 1-2-95 is not correct. He was not a worker of the management and so there is no question of denial of employment. There is no question of payment of backwages or any other amount during the period of alleged non employment,

payment of Bonus gratuity or compensation or any other amount.

Sri T.V. Shanmugham was not appointed by the management. There is no employer-employee relationship by the management with the above mentioned Shanmugham. Whenever we get orders for loading or unloading of consignment in relation to any ship which berthed in any Berth in Cochin Port under our contract we used to engage a person to carry the appropriate gears from Godown necessary for the purpose of loading or unloading between 7 and 8 in the morning and between 5 and 6 in the evening. The duration of such work does not exceed one hour and the payment is made immediately on piece rate basis and there is no further engagement of this person and sometimes Shanmugham was also engaged in that work. His allegation that he was not included in the pool is absolutely false.

The allegation that T.V. Shanmugham was appointed by the management from 1955-onwards is not correct. The allegation that wages arrears were due to him is not correct and denied. the allegation that Mr. Shanmugham did not get registered in the U.S.A. Pool because his service were required by the management and he was continued with the employer is not correct and denied.

The averments that two-three other casual workers were employed for the works of the management is not correct. All the casual labours who were working in various categories under all the licensed stevedores were taken into the United Stevedorse Association of Coching (P) Limited (U.S.A. Pool) which was formed in 1983. What was left with us was only our office staff.

The workers were getting their remuneration and all other service benefits as per the terms and conditions approved by the United Stevedorse Association Pool (USA Pool). Subsequently when the container system was adopted and the work load was shifted from port area to various Exporters premises there was not enough work to continue as stevedor so the management did no review stevedores licence from 31-12-1995 and by Communication dated 22-1-1996 vide No. A1/F/39/5KBJ/967 the Cochin Port Trust informed the management that the licence ceased and thereafter no work was accepted or done by the management.

The stoppage of work and retrenchment of Employees were duly intimated by the management to the Government Secretary, Labour Department.

Shri T.V. Shanmugham was not a worker of the management, no amount is due to him, he is not entitled to get any amount as gratuity arrears, compensation for leave wages and for payment of retrenchment compensation. There was no employer and employee relationship with T.V. Shanmugham and Management.

4. The evidence in this case consists of the testimony of WW1 and Ext. W1 to W7 and Ext. W8 series (73 in numbers) on the side of the union and the

testimony of MW1 and Ext. M1 series, M2 to M5 on the side of the Management.

5. The following points arise for determination :

1. Whether the workman Sri T.V. Shanmugham was employed under the management?
2. Whether the action of the management M/s. K.B. Jacob and Sons, Kochin in terminated the service of the workman Sri. T.V. Shanmugham is just, proper and legal?
3. If not what relief the workman is entitled ?

6. Point Nos. 1 to 3 :—The management is a stevedores in the Cochin Dock Labour Board. The union's case is that the workman has employed as rigger worker attending gear transport to and from the steamers berthed. It is also the case of the workman he was to retire on 12-11-1996 on attaining superannuation at the age of 60 years. It is also the case of the union that the workman was denied employment by the management from 1-2-1995 and was not paid subsistence allowance during the course of employment as provided under the contract of employment. He was not paid any gratuity or compensation for termination of service. The management denied the claim of the workman. The management contended that the workman was not a workman employed under the management. According to the management the workman was working on piece rate basis and the work only extended between 7 to 8 A.M. and between 5 to 6 P.M. and that he was engaged only occasionally. But he was not regularly employed.

7. The workman was examined as WW1. He explained the nature of his work which was within the Cochin Port Premises and the recognised steamer using the gears lifted the goods to the ship berthed in the Dock and also unloaded the goods from the ships and stopped in the godown. The photo pass issued under authority under the management as a stevedors employee to under the protected area of the Cochin Port. Ext. W1 is such a photo pass issued to the workman in the year 1963. Ext. W2 is a wharves entry pass issued to the workman to reach the wharves were the ships and berths. Ext. W2 was valid up to 31-12-1995. Ext. W3 is another entry pass which is valid up to 31-12-1993 and Ext. W4 is a wharves entry pass valid upto 31-12-1996. Exts. W1 to W4 would show that the workman would show that under the management entered the post premises and the wharves at least from 1993 to 1996. Ext. W5 is the gear transporting charges to the workman issued by the management. Ext. W5 is the wages from January to September 1989. Ext. W7 is the calculation of wages of the workman for the period ending on 20-3-95. W8 series are duty slips issued to the workman for the period 18-11-1992 to 1-10-1996. These documents also prove that the workman was attending the duties attached to stevedores for loading and unloading of goods and that he was also paid wages. The managements contended that the workman is in this case as a casual employee. But according to the union the workman is a permanent employee and his work is regular and he worked for a long period continuously and without any break of service.

8. The management is relying Ext. M1 series and M2 to M5. M1 series are vouchers for payment of certain amounts to the employee on 3-11-1988, 4-11-1988 and 7-11-1998. M1 series are vouchers for the payment of small amounts. Ext. M2 is the letter dated 22-11-96 issued by the Traffic Manager to the Cochin Port Trust. Ext. M3 is the memorandum of settlement dated 8-12-1982 filed by the Regional Labour Commissioner, Madras which relates to the creation of USA pool. Ext. M4 is the bonus register kept by management for payment of bonus to the workers from 1-4-1975 to 1978. Ext. M5 is the service records maintained by the management. Admittedly the Port Trust had issued licence to the management for the purpose of carrying stevedoring. An employee carying gears from Port Cochin office to the Cochin Port Trust and returned the same after work. This also fortified the case of the union that the workman was an employee under the management. The contention of the management is that they have closed the function of the institution as there was no work due to implementation of container system. If the management has closed down the establishment. It is the duty of the management to give compensation and termination benefits to the workman. In the circumstances and for the above discussion I find that the workman was employed under the management and that terminating the service of the workman is not justified and legal. Since the management closed the work the question of reinstatement does not arise and instead of reinstatement the workman can be compensated by payment of compensation of Rs. 75,000/- to the workman.

In the result, an award is passed holding that the termination of the service of the workman Sri T.V. Shanmugham is not just, proper and legal. The management is directed to pay the compensation of Rs. 75,000/- to the workman within one month from the date of publication of the award in the Official Gazette failing which the workman is allowed to realise the amount of Rs. 75,000/- with interest therein at 10% per annum from the date of publication of the award till realisation.

(Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 22nd day of March, 2005)

Emakulam.

K.K. UTHRAN, Presiding Officer

APPENDIX

Witness Examined on the side of the Management :—

MW1 —Sri. K.B. Prakash.

Witness Examined on the side of union :—

WW1—Sri. T. V. Shanmugham

Exhibits marked on the side of Management :—

Ext. M1 series (3 Nos.) —Vochers given by the workman for receiving the payment for the works done.

Ext. M2 —Notice dated 22-1-96 from the Cochin Port Trust to the management cautioning against non-renewal of stevedoring licence.

- Ext. M3 —Copy of memorandum of settlement dated 8-12-82 between the union and representation of Stevedors.
- Ext. M4 —Bonus Register of Management for the period of 1-4-75 to 1978.
- Ext. M5 —Service records of Management.
- Ext. M6 —Wage Register of management for the period of 1-4-81 to 31-10-81
- Ext. M7 —Bonus Register of Management for the period 1979 to 1990
- Ext. M8 —Muster roll of the management for the period 1995 to 1996.
- Ext. M9 —Wage register of management for the period 1995 to 1996.
- Ext. M10 —Register of casual labour of the Management for the period of 1-1-1982 to 31-7-1982.
- Ext. M11 —A certificate dated 16-11-2002 issued from Cochin Port Trust regarding issuance of Wharf entry para/photo identity goods.
- Exhibits marked in the side of Union :—**
- Ext. W1 —A photo identity card of the workman Sri. T.V. Shanmughan issued by Cochin Port Trust.
- Ext. W2 —Photo copy of another identity card of the workman issued by Cochin Port Trust.
- Ext. W3 —Photo copy of photo identity card issued to the workman with validity date up to 31-12-1993.
- Ext. W4 —Photo identity card of workman issued by Cochin Port Trust valid upto 31-12-95.
- Ext. W5 —Photo copy of a list of gear transporting charges to the workman.
- Ext. W6 —A list of charge rates of workman for the period of 1988-89.
- Ext. W7 —A chit showing wage arrears etc. of the workman w.e.f. 1-1-1993.
- Ext. W8 —(series—Duty slips (73 Nos.) issued to workman by the Management from 10-11-92 to 1-2-95.

नई दिल्ली, 8 अगस्त, 2005

का.आ. 3142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ. सी. आई. प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या एल. सी. आई. डी. नम्बर 167/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2005 को प्राप्त हुआ था।

[सं. एल-22013/1/2005-आई आर(सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 8th August, 2005

S.O. 3142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. L.C.I.D. No. 167/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as

shown in the annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on 8-8-2005.

[No. L-22013/1/2005-IR(C-ID)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri T. Ramachandra Reddy,
Presiding Officer

Dated : the 15th July, 2005

INDUSTRIAL DISPUTE L.C.I.D. NO. 167/2003

Between :

K. Ramalingaiah S/o, Mattaiah
R/o Nidamandur, Nalgonda Distt.

... Petitioner

AND

The Senior Regional Manager,
M/s. Food Corporation of India,
Haca Bhavan, Hyderabad.

1. The District Manager,
M/s. Food Corporation of India,
Nalgonda, Nalgonda Distt.

... Respondents

Appearances :

For the Petitioner : M/s J. Kanakaiah, Advocate

For the Respondent : M/s BG Ravinder Reddy and
BV Chander Sekhar, Advocates

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Honble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa, and M/s. Cotton Corporation of India and two others.

This Petition was filed under Section 2A(2) by the Petitioner claiming for reinstatement with full back wages and all attendant benefits.

A details counter filed by the respondent No. 1 & No. 2.

The petitioner absented himself on several adjournments. On 29-11-2004, the petitioner's counsel reported that the petitioner died and their after it is posted for LR's petition. Till 15-7-2005 it is not filed. On 15-7-2005 counsel for petitioner reported that the petitioner died long back before November of the last year i.e. 2004 and the LR's are not interested and giving instructions and requested to close the case. In view of the circumstances, the LR's are not brought on record. Hence, the petition is dismissed as abated.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

No oral or documentary evidence has been adduced on either side.

नई दिल्ली, 8 अगस्त, 2005

का.आ. 3143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ. सी. आई. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न.-I, धनबाद (संदर्भ संख्या 94/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2005 को प्राप्त हुआ था।

[सं० एल-22012/405/1990-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th August, 2005

S.O. 3143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 94/1993) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 8-8-2005.

[No. L-22012/405/1990-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD.

In the matter of a reference U/S. 10(1)(d) of I.D. Act, 1947.

Reference No. 94 of 1993.

Parties : Employers in relation to the management of Food Corporation of India, Ranchi.

AND

Their Workman.

Present : Shri Sarju Prasad, Presiding Officer.

Appearances :

For the Employers : None

For the Workman : Shri V. Kumar,
Authorised Representative.

State : Jharkhand Industry : Food

Dated, the 22nd July, 2005

AWARD

By Order No. L-22012/405F/90-IR(C-II) dated 12-11-1993 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the District Manager, F.C.I., Ranchi, is justified in terminating the services of Sri Sadhan Kumar Das, Electrician, w.e.f. 1-12-85 without paying him notice pay in lieu of one month notice

and retrenchment compensation though he has worked more than 240 days of service in a year prior to date of termination? If not, to what relief the workman is entitled and from which date?”

2. The case of the concerned workman, in brief, is that he was employed by the District Manager of F.C.I., Ranchi as casual electrician on 1-10-1984 and subsequently his service was utilised at Food Storage Depot, Jamshedpur till 30-9-85, and on oral instruction he again reported for duty at Ranchi on 30-9-85 and continued to work there upto 31-12-85, but from 1-1-86 he was orally stopped from attending his duty. Without compliance of Sec. 25F of the I.D. Act, although he was in service for more than 240 days during 12 calendar months prior to retrenchment, therefore, his retrenchment is void ab-initio and the concerned workman is entitled to be reinstated in service w.e.f. 1-1-86 with full back wages and all other benefits in the time scale of F.C.I.

According to the concerned workman, although he performed his job throughout the month but his payment/attendance restricted only upto 18 to 20 days in a month to avoid his regularisation. Further, according to the concerned workman, the Headquarters has decided to regularise all the casual workmen who was in service for 90 days on or before 2-5-86 by Circular dated 6-5-87, but the case of the concerned workman has not been considered by the management. The concerned workman has claimed for reinstatement as Electrician with full back wages in time scale of F.C.I. and other benefits from the date of retrenchment and also with regularisation of service.

3. The case of the management, on the other hand, is that the present reference is not legally maintainable. According to the management, Sadhan Kumar Das was engaged as a casual worker during the period from October, 1984 to December, 1985 intermittently as and when required to carry on certain electrical jobs in the capacity of part-time electrician. According to the management, the concerned workman was engaged for 19 days in October, 1984, 20 days in November, 1984 and 21 days in December, 1984. The concerned workman was also engaged for 20 days in January, 1985 and 12 days in February, 1985. He was not engaged during the months from March, 1985 to November, 1985 and was engaged for 18 days in December, 1985. The concerned workman was engaged on house wiring jobs and maintenance of electrical fans and other equipments installed at Food Storage Depot, Jamshedpur. He was used to be allotted with certain job on day to day basis and after completion of the job he was not required to remain on duty. The concerned workman was carrying on electrical jobs of other buildings and other offices of different persons and companies. The management used to engage him as per requirement and as per convenience of the concerned person. According to the management, the concerned workman has not put 240 days service in 12 calendar months preceding his stoppage of work, therefore,

he was not entitled to any notice or notice pay as required under Sec. 25F of the I.D. Act.

4. From pleadings of the parties it is apparent that it is admitted that the concerned workman was engaged as casual electrician by the District Manager, F.C.I., Ranchi for doing certain electrical jobs. According to the concerned workman, he has completed more than 240 days service in 12 calendar months preceding his stoppage of work. But according to the management, he has not completed 240 days service, therefore, there is no requirement of notice or notice pay in lieu of notice or retrenchment compensation as provided in Sec. 25F of the I.D. Act. It is not disputed if the concerned workman has not completed 240 days work in a calendar year preceding his stoppage of work then certainly he is not entitled to notice or notice pay nor he is entitled for any retrenchment compensation, but if it is proved that the concerned was on duty for 240 days or more in 12 calendar months prior to stoppage of work then certainly the concerned workman is entitled for retrenchment compensation as well as notice or notice pay for one month.

5. Both parties have led evidence, therefore, let us see whether the concerned workman has been in a position to prove that he has worked for 240 days or more than 240 days. MW-1—I.B. Choubey had worked at District Office, Ranchi from July, 1982 to October, 1990 and he has admitted that statement showing attendance of workman Ext. W-1 bears his initial. He has also admitted that the job of electrician is in Class-IV. From Ext. W-1 which bears initial of MW-1 it is apparent that the concerned workman has performed duty for 193 days between January, 1985 to December, 1985 i.e. 12 calendar months prior to his stoppage of work. The workman has placed his reliance in a ruling of Hon'ble Supreme Court reported in AIR 1986 SC 456 in which it has been held that in calculation of 240 days service as required under Sec. 25-B of the I.D. Act the Sundays and paid holidays shall be taken into account. There are 52 Sundays, 12 Second Saturdays and 16 Gazetted holidays which are paid holidays. Thus, the number of Sundays, Second Saturdays and paid holidays come to 80 days. If the same is added with 193 actual duty then the total attendance of the concerned workman from January, 1985 to December, 1985 becomes 273 days.

6. The management has produced certain vouchers which are Ext. M-1 to M-5 and on that strength it has been submitted that the concerned workman was employed for 20 days in January, 1985, 12 days in February, 1985 and 18 days in December, 1985 totalling to only 50 days in the year 1985. According to the management, the concerned workman had not worked from March, 1985 to November, 1985. So far question of working of the concerned workman from March, 1985 to November, 1985 is concerned it is clear case of the workman that he was deputed to work at Jamshedpur F.C.I. office which is under the jurisdiction of District Manager, F.C.I. Ranchi. The management has not produced any evidence from Jamshedpur or any Cash Book

from Jamshedpur F.C.I. to show that no payment was made to the concerned workman from Jamshedpur office. On the contrary, the attendance chart prepared with the initial of MW-1—I.B. Choubey, an employee of the management, it is crystal clear that the concerned workman had also worked at Jamshedpur F.C.I. from March, 1985 to November, 1985. Thus, the management has suppressed the evidence regarding working of the concerned workman at Jamshedpur F.C.I. office at the instance of the District Manager, F.C.I., Ranchi. Thus, from the materials available on record I find that the attendance of the concerned workman during the year-1985 became 273 days and, therefore, the compliance of Sec. 25-F of the I.D. Act was mandatory on the part of the management before stopping the concerned workman from duty. Since the management has not complied with the provision of Sec. 25-F of the I.D. Act, therefore, the stoppage of the work to the concerned workman by the management is ab-initio void and the concerned workman is entitled for reinstatement with full back wages.

7. The concerned workman has also brought on record a circular of the management which has been marked Ext. W-2. Para 4 of this circular dated 6-5-87 is regarding regularisation of casual/daily rated workmen who have completed 90 days service on or before 2-5-86. Therefore, the concerned workman has also claimed for regularisation in service. This circular has not been denied by the management. But from the terms of reference I find that this question regarding regularisation of the concerned workman has not been referred to this Tribunal, therefore, it will not be proper for this Tribunal to give any direction regarding regularisation of the concerned workman. This is left open to the management to consider whether they think it proper to regularise the concerned workman as regular workman in case there is any vacancy in Class-IV job and the concerned workman is found fit for the same. But so far the question of action of the management in terminating the service of Sadhan Kumar Das, Electrician, w.e.f. 1-1-86 without paying his notice pay in lieu of one month notice and retrenchment compensation is not justified and the concerned workman is entitled to be reinstated in the same status with back wages as he was working on 31-12-1985.

8. In the result, following award is rendered—

The action of the District Manager, F.C.I., Ranchi, is not justified in terminating the services of Sadhan Kumar Das, Electrician w.e.f. 1-1-1986 without paying him notice pay in lieu of one month notice and retrenchment compensation. The concerned workman is entitled for reinstatement in the same post as he was working on 31-12-1985 alongwith full back wages. The management is directed to implement the award within 30 days from the date of publication of the award.

SARJU PRASAD, Presiding Officer.

नई दिल्ली, 8 अगस्त, 2005

का.आ. 3144.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, भा.को.को.लि. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 114/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं० एल-20012/237/2000-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3144—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 114/2000) of the Central Government Industrial Tribunal Labour Court, Dhanbad-II, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 4-8-2005.

[No. L-20012/237/2000-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT, DHANBAD

PRESENT:

Shri B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 114 of 2000

Parties: Employers in relation to the Management of
Kustore Area of M/s. BCCL and their workman.

APPEARANCES

On behalf of the workman: Mr. N.G. Arun, Organising
Secretary R.C.M.S.

On behalf of the
employers: Mr. H. Nath, Advocate

State: Jharkhand Industry: Coal

Dated, Dhanbad, the 11th July, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/237/2000-IR(C-I), dated the 29th Sept., 2000.

SCHEDULE

“Whether the action of the management of BCCL Kustore Area in not referring Shri Mohan Ram,

Fireman, to Age Assessment Committee/Medical Board for determination of his date of birth and ignoring the date recorded in his I.D. Card is just and fair? If not, to what relief is the concerned workman entitled?”

2. Case of the concerned workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows:—

They submitted that as per Service Excerpt and I.D. Card issued by the management to the concerned workman he is to be superannuated from service on 2014. But the management without assigning any cogent reason illegally and arbitrarily superannuated him with effect from 1-1-2001. They disclosed that on receipt of the notice of superannuation from the management the concerned workman submitted representation with prayer for rectification of the date of his superannuation but to no effect. As a result, he raised an industrial dispute through the sponsoring union before the ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring union accordingly submitted prayer to pass an Award directing the management to reinstate the concerned workman to his service and to superannuate him as per date of birth given in the Service Excerpt as well as in the I.D. Card with full back wages and other consequential benefits.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in the Written Statement submitted on behalf of the concerned workman. They submitted that the concerned workman was a permanent employee of Simlabahal Colliery under Kustore Area. They disclosed that as per Form B Register date of birth of the concerned workman was recorded as 1-1-1941 and his date of appointment was recorded as 1973 and the same were duly authenticated by him by putting his L.T.I. They further submitted that in the Service Book of the concerned workman same date of birth i.e. 1-1-41 was recorded and the same also was authenticated by the concerned workman by putting his L.T.I. They disclosed that since the date of birth recorded in the Form B Register as 1-1-41 is neither tampered nor over written it has to be accepted as final considering the fact that Form B Register is a statutory register under the Mines Act. The date of birth recorded in the I.D. Card cannot be considered as authentic document and for which there is no scope to determine the age of the concerned workman relying the date of birth recorded therein as it is not a statutory document. They disclosed that since there was no manipulation or variation of date of birth recorded in the Statutory Register, question of sending the concerned workman before the Apex Medical Board for assessment of his age did not arise. They submitted that local

management did not commit any illegality or took any arbitrary decision in superannuating the concerned workman with effect from 1-1-2001 after rendering his 60 years of service.

4. POINTS TO BE DECIDED

"Whether the action of the management of BCCL Kustore Area in not referring Shri Mohan Ram, Fireman, to Age Assessment Committee/Medical Board for determination of his date of birth and ignoring the date recorded in his I.D. Card is just and fair? If not, to what relief is the concerned workman entitled?"

5. It transpires from the record that the sponsoring Union with a view to substantiate the claim of the concerned workman examined him as WW-1. Management also in support of their claim examined one witness as MW-1. WW-1 during his evidence disclosed that he got employment as Wagon Loader at Simlabahal Colliery in the year 1973. He disclosed that hereafter management issued I.D. Card to him wherein his date of birth was recorded as 1954. He further disclosed that his C.M.P.F. A/c. No. is 51510 and in the said record also his date of birth was recorded as 1954. This witness further disclosed that in the year 1987 management issued fresh I.D. Card to him wherein his date of birth was recorded as 1941 and on perusing the said date of birth recorded in the new I.D. Card he submitted representation through union for rectification of his date of birth in the new I.D. Card. He submitted that as management refused to rectify his date of birth he raised an industrial dispute before the ALC(C), Dhanbad. On the contrary MW-1 during his evidence disclosed that at the time of appointment of the concerned workman as Bhatta Fireman at Hard Coke Bhatta at Simlabahal Colliery his date of birth in the Form B Register was recorded as 1-1-1941. In support of this claim management produced the original Form B Register which during evidence was marked as Ext. M-1. The particulars of the concerned workman in the said Form B Register was recorded in Sl. No. 405 from where it has been exposed clearly that not only his date of birth as 1-1-41 was recorded therein but also it exposed when he joined to his service. The concerned workman acknowledged authentication of his particulars recorded therein by putting his LTI. This witness further disclosed that not only in the Form B Register but also in the Service record along with other particulars his date of birth was recorded as 1-1-41 and this fact was also authenticated by the concerned workman. I have carefully considered the Service Book of the concerned workman and I find authentication of the submission of MW-1. Neither from the particulars recorded in the Form B Register nor from the Service Book I have traced out any sign of tampering in the date of birth of the concerned workman recorded therein. The date of birth as 1-1-41 has been recorded very distinctly in the Form B Register and as well as in the Service Book. Therefore, there is no scope to say

that management manipulating the date of birth of the concerned workman recorded the same as 1-1-41 instead of 1954. The contention of the sponsoring union on the contrary is that I.D. Card which was issued to the concerned workman after joining his service has exposed clearly different date of birth. According to the I.D. Card which during evidence of the concerned workman was marked as Ext. W-1. It speaks that his date of birth was recorded as 1954. This I.D. Card was issued by the Competent Authority, on 7-1-1976. I have carefully considered the writings appearing in the said I.D. Card and it has been exposed clearly that some columns including the column of date of birth were filled up subsequently by fresh ink and in no manner it tallies with the colour and age of the writing in other columns of the I.D. Card. Moreover, it transpires that the same were not written by the same person. It is the claim of the sponsoring union that as his age has been recorded as 1954 in the I.D. Card, management ought to have referred him to the age assessment committee/medical board for determination of his age afresh. On the contrary from the submission of management it transpires that I.D. Card is not a statutory document and for which any entry made therein bears no authentic value until and unless it is substantiated with cogent document that the age recorded therein was actual age of the concerned workman and not the age recorded in the Form B Register. Ld. Advocate for the management further submitted that Form B Register is considered as statutory Register as per Mines Act and therefore, all entries recorded therein are to be considered as authentic and should be binding on both sides until and unless any gross discrepancy is detected. Ld. Advocate further submitted that on the basis of the particulars recorded in the Form B Register service record of the concerned workman was also opened and in the service record the same date of birth i.e. 1-1-41 was recorded. Disclosing this fact Ld. Advocate for the management submitted that in course of hearing the concerned workman has failed to produce a single cogent document to show that his date of birth was actually in the year 1954 and not in the year 1941 as recorded in the Form B Register. It is the contention of the concerned workman that in the year 1987 new I.D. Card was issued to him wherein his date of birth was recorded as 1941 and on perusal of the same he brought notice to his union and thereafter submitted representation to the management for rectification of his date of birth. During hearing the concerned workman/sponsoring union has failed to produce a single scrap of paper to show that he submitted representation immediately to the management for rectification of his date of birth after receipt of the new I.D. Card in the year 1987. On the contrary from the document submitted on behalf of the sponsoring union it has been exposed clearly that the sponsoring union raised industrial dispute in the instant case at the fag end of his service. Therefore, it is clear that neither the concerned workman nor the sponsoring union took any step for

rectification of his age as 1954 instead of 1941 after receipt of the new I.D. Card. No explanation on the part of the concerned workman or the sponsoring union is forthcoming why they remained silent for such long years in raising the dispute. It is settled principle of law that I.D. Card cannot be considered as authentic document as it is not a statutory one as per Mines Act. All reliances should be given on the Form B Register relating to the entries made therein as the said register is a statutory document under Mines Act. Therefore, until and unless any contrary is proved that the date of birth recorded in the Form B Register was recorded wrongly there is no scope to ignore the same. As per JBCCI circular there is scope to refer any workman before Apex Medical Board for assessment of his age if any gross discrepancy is detected in relation to age recorded in different registers maintained by the management. It has been disclosed by the sponsoring union that in the C.M.P.F. record the age of the concerned workman was recorded as 1954. In course of hearing the sponsoring union has failed to produce any paper relating to C.M.P.F. record to substantiate their claim. Therefore, excepting I.D. Card marked as Ext. W-1 no cogent document is forthcoming before this Tribunal in course of hearing relying on which there is scope to draw conclusion that different age of the concerned workman was recorded in different register. I have already made my observation above relating to the authenticity in the matter of recording age of the concerned workman therein. A document which is about (Ext. W-1) 29 years old, its some writings are not to be so distinct as appearing there in comparison to other writings. As such there is doubt if age recorded in the said I.D. Card was actually written same in the year 1976 when it was issued. Therefore, onus was absolutely on the sponsoring union to produce authentic document to show that the year of birth of the concerned workman was actually 1954 and not 1941.

6. In view of the facts and circumstances discussed above I hold that as the date of birth of the concerned workman was recorded distinctly in the Form B Register as well as in the Service Book, I do not find any sufficient ground to disbelieve the same. Moreover, it is clear that just at the fag end of his service career the concerned workman raised this issue with the expectation to gain something from the management by way of extension of his service which cannot be accepted. Accordingly I find no sufficient reason to refer the concerned workman to Apex Medical Board for determination of his age afresh. In the result, following Award is rendered :—

“The action of the management of BCCL, Kustore Area in not referring Shri Mohan Ram, Fireman, to Age Assessment Committee/Medical Board for determination of his date of birth and ignoring the date recorded in his I.D. Card is just and fair. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का.आ. 3145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. एअर इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली-II के पंचाट (संदर्भ संख्या 132/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-11012/152/2000-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 132/2000) of the Central Government Industrial Tribunal/Labour Court, New Delhi-II, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India and their workmen, which was received by the Central Government on 4-8-2005.

[No. L-11012/152/2000-IR (C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE, NEW DELHI**

Presiding Officer : R. N. RAI

I.D. No. 132/2000

In the matter of :—

Sh. Jagat Singh,
Ex. Senior Cleaner,
T/3-A, East Mehram Nagar,
Delhi Cantt-110010.

Versus

M/s. Air India,
Through the General Manager (HR & P),
Catering Cabin Service,
IGI Airport,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-11012/152/2000 C-1 Central Government Dt. 29-11-2000 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Air India in dismissing the service of Shri Jagat Singh Staff No. 31162, Sr. Cleaner w.e.f. 26-11-1999 is just and fair? If not, to what relief is the said workman entitled.”

The workman applicant has filed statement of claim. In the statement of claim it has been stated that the workman joined the respondent establishment as a sweeper on 5-2-1973 and confirmed on 1-8-1973. Later on he was promoted as Sr. cleaner.

That the workman was placed under suspension pending inquiry vide respondent's letter No. IS/JS/1838 dated 5-11-1997. In this communication, the management informed the workman that during the year 1994 the workman made an application to the HRD department for issuance of a No Objection Certificate for him and his family members namely Smt. Sheela Devi (wife), Mr. Sanjay (son) and Miss Promila Devi (daughter) in order to apply for a visa in the Japanese Embassy and a No Objection Certificate was issued to him. It has been alleged that the workman had submitted this NOC with four altered/forged passports for obtaining against these forged/alterd passports in his name and his family members. It has been further alleged that in the application submitted for obtaining this visa, in the application of workman's son Sanjay the photograph of Mr. Naseeb Singh the workman's another son, was affixed. Similarly, the photograph affixed in the application of workman's daughter Promila Devi is actually not of workman's daughter but of someone else. These forged/alterd passports, which the workman mentioned in the visa application as belonging to him and his family members did not belong to him or his family members and was actually issued in the name of Jaswant Singh, Ali Mohammed, Nahar Singh and Simi respectively. It has been further alleged that the workman had applied for visa against these forged/alterd passport in the name of his family members for an illegal monetary consideration of Rs. 32,000. The management sought clarification from workman for misusing the NOC which was issued by the respondent in order to facilitate its employees to use free/concessional passes, which they were entitled as airlines employees and also applying for a visa on a forged/alterd passport. The workman replied to the management vide his letter dated 23-12-1997 denying charge sheet vide letter No. IS/JS/448 dated January 20, 1998 framing the following charges :

- (1) Taking bribes or any illegal gratification;
- (2) Breach of any law, rules, regulations or orders applicable to the establishment.

The workman replied to the charge sheet and the management received the same on 20-2-1998. In his reply, the workman submitted that during 1994, he was contacted by S/Shri Luis Charles, Lawrence and Thomas, who were staff members and they persuaded him to go for a foreign tour along with his family members. The workman informed them that he was not having passports but they assured him that they would help him in getting the passports from the Regional Passport Office, New Delhi in his name and his family members, i.e. Shila Devi (wife), Sanjay (son), Nasib Singh (son) and Promila Devi (daughter). That the

workman believed his colleagues and applied for the NOC under bona fide belief. The workman further informed that Shri Luis Charles, the then peon to the these Personnel Manager, Shri D.S. Kohli brought passport forms signed by the workman and his family members. The workman also gave six copies of passport size photographs of each member of his family including himself for the purpose of passports. After sometime, Shri Luis Charles told the workman that the passports were ready and NOC was required to get the visa from Japan Embassy. That the workman gave him the NOC to collect the visa and thereafter the workman received neither visa nor passports. During the year 1995, the workman was informed by the respondent that the workman was called by Shri Ramesh Chander, Inspector, CBI in his office at CGO Complex, New Delhi. The workman went to CBI office and came to know that NOC submitted by the workman was with altered/forged passports. The workman explained the factual position and his innocence. The workman was never called again for CBI investigation. The workman applied for NOC under a bona fide belief but Luis Charles, Thomas and Lawrence deceived him and put him in trouble. Even though, the reply to the charge sheet was quite satisfactory, the management decided to hold an enquiry into the charges levelled against the workman. Accordingly an inquiry committee was constituted vide order No. IS/Con-9/79 dated 20-4-1998.

The inquiry committee conducted its proceedings and submitted a report finding the workman guilty of the aforesaid charges. The workman replied to the inquiry committee report vide his letter dated 2-7-1999 and prayed the disciplinary authority to quash the inquiry report as the management failed to prove the charges levelled against the workman.

The disciplinary authority vide its letter No. IS/JS/204 dated 1-9-1999 conveyed to the workman that it proposed to dismiss the workman without retirement benefits. The workman replied to this show cause notice vide his letter 25-9-1999 and requested the management to quash the charge sheet and acquit him as he was innocent.

The management vide its letter No. IS/CON-9/JS/290 dated 26-11-1999 passed the order holding that the workman was dismissed without retirement benefits in full as per clause No. 20(j) of the Certified Standing Orders applicable to him. The management vide its letter No. EMP-1/1/31162 dated 23-2-2000 conveyed to the workman that his services standing terminated with effect from 23-2-2000, in terms of the above said punishment.

The management has filed written statement. In the written statement, at the outset it is submitted that Mr. Jagat Singh (hereinafter called the workman) was terminated from service after following the due process of law and in accordance to the principle of natural justice. The workman has no cause of action to file the present statement of claim and the same may be dismissed at the outset. However,

the brief facts of the case in correct perspective are being reproduced herein below :

That the workman joined Air India (hereinafter called the management) as a sweeper in the commercial department on 5-2-1973 and was confirmed in the service w.e.f. 1-8-1973 thereafter he was selected as a cleaner in cabin catering department on 12-11-1973 and confirmed w.e.f. 1-5-1974. That the workman had a chequered history is evident from the instances given herein below :—

- (a) That the workman was found removing cream packets from the first class gally of Pan Am flight PA 001 on 21-4-1978 and accordingly was issued a letter of warning No. DIS/1/287 dated 25-4-1978. The said letter is enclosed herein with and marked as Annexure-1.
- (b) The workman was also found to be a habitual absentee and thus issued letter of warning No. IS/JS/195 dated 13/14-1-1981. Even after issuance of such warning letter the workman continued to remain absent from his duties, thus compelling the management to charge sheet the workman vide letter No. IS/87/309 dated 14/19-2-1990 for remaining absent for 87.5 days during the period of 1-4-1988 to 31-3-1989, the inquiry committee constituted to enquire into the charges of absenteeism levelled against the workman, found him guilty which the workman also admitted before the committees which awarded punishment of "reduction of two stages in the time scale of pay from Rs. 1,330 to Rs. 1,300 for a period of one year effective 1-10-1990" vide order no. IS/87/5925 dated 5/10-9-1990. The said documents are enclosed herewith and marked as Annexure-2, 3 & 4.
- (c) The workman continued to defy the instructions of the management and continued to remain absent thus compelling the management to issue warning vide letter No. DIS/33/31162/24 dated 6-3-1990 and informing him that he was being treated as absent without permission for the period 16-2-1990 to 5-3-1990. The said letter is enclosed herewith and marked as Annexure-5.
- (d) Even after continues warning and punishment the workman in defiance of all instructions of the management remained absent from 104.5 days during the period 1-4-1990 to 31-3-1991 and accordingly he was issued a charge sheet No. DIS/33/31162/88 dated 21-1-1992, under which he was charged with the following :
 - (i) Habitual absence without leave.
 - (ii) Act Subversive of discipline.

The said letter is enclosed herewith and marked as Annexure-6.

- (e) The enquiry officer in view of the order passed by the Hon'ble Delhi High Court on 27-8-1990 in WP No. ib. 637 of 1988 proceeded under the Model Standing Orders and found the workman guilty of the above charges and accordingly awarded the punishment of stoppage of annual increment due on 1-2-1994 and 1-2-1995 vide order No. DIS/33/31162/1060 dated 21-9-1993. The said letter is enclosed herewith and marked as Annexure-7.
- (f) The set pattern of the workman continued and was once again charge sheeted vide letter No. DIS/33/31162/74 dated 18-9-1992 for remaining absent without permission for 104.5 days during the period 1-4-1991 to 31-3-1992. The inquiry committee thus constituted, found the workman guilty and ordered "suspension on loss of pay and allowances" vide order No. DIS/33/31162/854 dated 17-8-1993. The said documents are enclosed herewith and marked as Annexure-8 & 9.

In the meantime the Central Bureau of Investigation (hereinafter referred as CBI), New Delhi registered a case against the workman in the year 1994 for illegal sale and purchase of Indian Passports with valid visa, in connivance with private persons, for monetary gains with the intention of transporting unauthorized person out the country on the basis of fake/forged passports. The CBI then reported the matter to the management vide case No. RC-13/5/94/SLP/DLI dated 18-7-1994. Thereafter on 5-11-1997 vide letter No. IS/JS/1838 the workman was asked to show cause in writing to the charges contained therein, failing-which further action would be taken in the matter, while suspending him with immediate effect, in view of the seriousness of the misconduct alleged against him. That the reply of the workman to the show-cause letter was not found satisfactory and accordingly issued with charge sheet letter No. IS/JS/448 dated 20-1-1998 levelling the following charges of misconduct under the CSOs.

"Taking bribe or any illegal gratification".

"Breach of any law, rules, regulation or order applicable to the establishment."

The proceedings of the inquiry committed were spread over 12 sittings from August, 1998 to March, 1999 and the workman participated in the same, defended by a Defence Counsel of his choice. The committee had recorded the depositions of the CBI Inspector and the representative of HRD Department. That the workman was provided full opportunity to cross-examine the witnesses of the management. That it may rightly be submitted that the inquiry was conducted as per the principles of natural justice, equity and fair-play and the contention of the

workman that the inquiry was a mere farce is incorrect and baseless. The committee based on the documents taken on record and the deposition of the witnesses found the workman guilty of charges. The workman was served a copy of the report and was called to submit his reply as to why the findings of the inquiry committed should not be accepted. The competent authority also perused the inquiry proceedings and the report of the inquiry committee and concurred with the findings of the later. The authority also perused the past record of the workman to find any mitigating or existing extenuating circumstances warranting any reduction in proposed punishment but found none and observed that it was far from being satisfactory.

That in view of the seriousness of the misconduct committed by the workman and his chequered history, it was proposed to impose the punishment of "dismissal from the service" in terms of Clause 20(j) of the CSOs and the workman was called upon to submit his say. The authority found the reply of the workman not satisfactory. It perused the report of the inquiry committee, its proceedings and all relevant papers and concurred with the findings of the inquiry committee. The authority while perusing the reply filed by the workman to the proposed punishment, was of the view that the workman had not brought out any extenuating or mitigating circumstances which could warrant reduction in the proposed punishment and came to the conclusion that the ends of Justice would only be met if the workman was awarded the punishment of "dismissal from the service of the company" and ordered accordingly. It is also submitted that the management has complied with the requirement of Section 33(ii)(b) of the I.D Act, 1947. The said documents are enclosed herewith the marked as Annexure-10, 11 & 12.

The workman applicant has filed rejoinder and in his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Issue regarding fairness of the inquiry for deciding it as preliminary issue has not been pressed by the management.

Heard argument from both the sides and perused the papers on the record. Both the parties have filed written arguments also.

It was submitted from the side of the workman that Charge No. 1 is regarding taking bribes or any illegal gratification, Charge No. 2 is regarding breach of any law, rules, regulations or orders applicable to the establishment.

It was submitted from the side of the workman applicant that the charges are extremely vague and not specific. It has not been mentioned as to how much amount the workman applicant has received by way of illegal gratification. This would have been mentioned in the

charges itself. In the second charge rules, regulations or orders applicable to the establishment has not been mentioned. It has not been specifically mentioned as to which rule or regulations or order has been violated by the workman so the workman could not prove his innocence in view of the vague charges. In the domestic inquiry the workman has taken the stand that somebody has fraudulently collected the "No Objection Certificate" from Personnel Department. He has applied for the No Objection Certificate but his passport has expired so he did not receive the No Objection Certificate. It has been obtained by someone else. The workman during the inquiry has specifically denied that he did not collect the No Objection Certificate from the HRD Department as he came to know that his Passport No. W160522 has expired on 7-5-1994 and no time was available for the journey. The defence counsel asked the witness Shri S.B. Khatri whether he obtained any signature of the staff against issuance of No Objection Certificate. He has replied that signatures are obtained by the concerned staff. He was not holding the charge of that section and he has further stated that he has not receipt so the management has failed to prove that No Objection Certificate was collected by the workman itself. It is possible that some other interested person would have collected the No Objection Certificate and could have applied for Visa.

It was further submitted that forged Passports bearing No. R178035, L211399, K69081 & L409593 were submitted along with No Objection Certificate for Visa. The workman did not go to Japanese Embassy. The management witness Shri Ramesh Kumar has stated that the fraudulent Visa application produced before the inquiry committee did not bear the workman's signature. He confirmed that one Mr. Luis Thomas has filed his Visa application in the name of the workman. The management witness has admitted that the signature was not of Shri Jagat Singh but his photo was pasted on the application form. The witness has also stated that the investigation has been closed and concluded so the management during the course of inquiry has failed to prove that the workman applied for Visa. Mr. Luis Thomas has filed application for Visa in the name of the workman and his family members. In the Visa application the photo of Sanjay, Son of workman, photograph of Nasib Singh, son of workman was affixed. There is no photo of the workman's daughter but of somebody else. The findings of the inquiry committee that the charge regarding taking bribe or illegal, gratification is completely erroneous and perverse so it should be quashed on that ground alone.

The management witness during the course of inquiry has stated that he could not say as to who obtained the NOC from the department. As he was not in charge of that department during that particular period. It was submitted from the side of the workman that in case the workman did not obtain the NOC it cannot be said that he

gave it to some other person. The application for Visa does not bear the signature of the workman applicant though his photo has been affixed.

It was submitted from the side of the management that the workman applicant has replied to show cause notice and in his reply of 23-12-1997 and 20-02-1998. He has admitted that he obtained the NOC from the department and gave it to Mr. Louis Charles to Collect Visa. The workman has filed document on Sl. No. 2, Annexure-P-II dated 23-12-1997 addressed to the management and Annexure-P-II in Para No. 3 & 4 it has been stated that after sometime Louis Charles told him that Passports are ready and NOC is required to get the Visa from Japan Embassy. He has further stated in Para-4 that he gave him (Louis Charles) the NOC to collect the Visa and thereafter he neither received the Visa nor the Passport. It was submitted from the side of the workman applicant that the workman applicant has admitted in categorical terms that he obtained the NOC and gave the same to Mr. Louis Charles to collect the Visa. It implies that the workman applicant has also applied for Visa then only he gave him the NOC to collect his Visa. Annexure-IV has been filed by the workman applicant himself in letter dated 20-02-1998 the workman has repeated that he obtained the NOC and he gave it to Mr. Louis Charles to collect the Visa and thereafter he neither received the Visa nor the Passports. In his cross examination also the workman has admitted that it is correct that he submitted his explanation dated 20-02-1998 to the aforesaid charge sheet so the workman applicant admits his letter of reply to show cause notice dated 20-02-1998 and in that letter he has admitted that he obtained the NOC and gave it to Mr. Louis Charles to collect his Visa.

It was further submitted from the side of the management that the inquiry committee has mentioned this fact in their findings. It has been admitted in the findings that witnesses during the inquiry have not disclosed regarding the signature for obtaining NOC but he himself as admitted this fact in his reply dated 23-12-1997 and 20-02-1998 that he obtained NOC and gave it to Mr. Louis Charles. It is on the basis of his admission that the inquiry committee has established the fact that the CSE obtained NOC from the department and he gave it to Mr. Louis Charles to collect the Visa. There may not be his signature on the application for Visa but, since he gave NOC to Louis Charles to collect Visa he was aware of the fact that application for Visa will be moved on his behalf so he deliberately obtained NOC and gave it to Mr. Louis Charles to collect his Visa though he has not seen his Passport. He helped and colluded with Louis Charles to obtain Visa fraudulently on the basis of his NOC.

It was submitted from the side of the management that CBI, New Delhi registered a case against the workman in the year 1994 for illegal sale and purchase of Indian Passports with valid Visa in connivance with private persons for illegal gains with the intention of transporting

unauthorized persons to foreign countries on the basis of fake and forged Passports. The CBI reported this matter to the management also. In the light of the information of the CBI the workman applicant was issued charge sheet and an inquiry committee was constituted to conduct inquiry. The inquiry committee after giving sufficient opportunity for cross examination the witnesses and production of witnesses by the CSE in defence, concluded the inquiry proceedings and submitted the report and found the charges proved. He was given personal hearing thereafter the punishment of dismissal from service was awarded to the workman applicant.

It becomes quite obvious from perusal of the inquiry proceedings that the management has examined two witnesses and they have been cross examined by the defence counsel of the CSE and he has been asked to produce evidence in his defence but he filed final statement. As such principles of natural justice have been followed in the inquiry proceedings. There is no defect in the proceedings conducted by the inquiry committee. It was submitted from the side of the workman applicant that during the inquiry it was not established that the workman received NOC from the HRD Department. The case of the workman is that he has no valid Passport so he gave Rs. 1800/- to Mr. Louis Charles along with six copies of photographs of the members of his family to obtain Passports. It is also admitted by the CSE that he applied for NOC but he did not receive the same. The substantial question is whether the CSE has no valid passport as stated by him and whether he received the NOC from the HRD Department or not. So far as the Passport is concerned the CSE himself has filed the Passport of Mr. Nasib Singh son of the CSE Jagat Singh, Passport No. A1410103 issued by Regional Passport Office (RPO) on 27-08-1996 and valid upto 26-08-2006 so it becomes quite obvious that atleast in the name of Mr. Nasib Singh, the own son of the CSE there was valid Passport. The show cause notice was given to the workman applicant on 05-11-1996 and his son Mr. Nasib Singh has a valid Passport on that date as Passport was issued to him on 27-08-1996 so the CSE has a valid Passport at the time of application for NOC. So far as the second point is concerned the workman applicant has admitted in letter dated 23-12-1997 and 20-02-1998 categorically and unequivocally that he obtained the NOC and handed over to Mr. Louis Charles to collect the Visa. It implies that the workman was aware of the fact that the applicant for Visa has been moved on his behalf and Passports of all the members of his family have been filed along with the Visa application. It is immaterial whether he has put his signature on the Visa application or not. In fact he authorized Mr. Charles to obtain the Visa so it shall be deemed that he was in knowledge of the fact that the application for the Visa has been filed in his name along with valid Passports.

It was submitted that the CBI Inspector during the course of inquiry has admitted that the case is concluded

and closed. The management can still proceed in domestic inquiry. In domestic inquiry the sophisticated and strict rules of evidence act are not applicable. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. All materials which are logically probative for a prudent mind are permissible. It is settled law that the management can proceed in domestic inquiry even if there is acquittal from a court of law. The closure and conclusion of criminal proceedings by the Inspector, CBI cannot prevent the management to conduct the domestic inquiry. Misconduct however, should be proved in the domestic inquiry. I find no force in the argument of the CSE that investigation was closed and concluded so the management cannot conduct a departmental inquiry. The second point raised by the workman applicant is that the charge sheet is vague. It has not been mentioned in the charge sheet as to how much amount the CSE received by way of illegal gratification.

My attention was drawn to AIR 1984 SC 1805, it has been held by the Hon'ble Supreme Court that in case there is misappropriation of employers money by co-workman by using his cheque book and the dismissed employee did not take part in that conspiracy the dismissed employee cannot be held guilty of misconduct. The Hon'ble Supreme court found it a case of findings based on no evidence. The Judgement of the Hon'ble Supreme Court is not applicable in the facts and circumstances of the case as the workman applicant himself applied for NOC and he obtained the NOC and gave it to Mr. Charles for collecting his Visa so it cannot be said to be un-aware of the entire conspiracy. My attention was also drawn to 1982 ILLJ Page 364. This law is not applicable in the present facts and circumstances of the case as no plea of loss of confidence has been taken by the management so this fact stands proved that the workman had a valid passport in the name of his son Nasib Singh so there is no question of getting fresh passport. He applied for NOC and he obtained NOC and he entrusted it to Mr. Charles to collect his Visa on his behalf so the CSE has done or caused to be done the entire act. It implies that the CSE authorized Mr. Charles to obtain Passports on his behalf and he also authorized Mr. Louis Charles to obtain Visa on his behalf and he give him NOC so it shall be deemed that he participated in all the proceedings from obtaining passport to obtaining Visa. A person who authorizes and helps another person to commit an illegal act, shall be deemed to have accomplished that act. The CSE and Mr. Charles hatched the conspiracy to obtain Visa of fake/forged passport but they did not succeed in their evil design. The matter was detected by the CBI and the management was informed accordingly so it shall be presumed that the CSE has himself tried to obtain fake and forged passport, moved application for Visa and annexed his No Objection Certificate to that Visa application. All these activities are impliedly done by the CSE as he was fully aware of every stage of the activities.

It was submitted from the side of the workman that no amount of illegal gratification has been mentioned in the charge sheet. The conspiracy hatched up by Mr. Louis Charles and the CSE was detected by the CBI so the exact amount of illegal gratification cannot be ascertained. He might have sold the Visa to any other person for a heavy amount so it cannot be ascertained as to how much gratification they would have received as the transaction was not complete. They indeed tried to fabricate valuable documents and it is in itself an offence. In such circumstances non-mention of the amount of illegal gratification is not very much material even if this single charge is proved, it will amount to serious misconduct on the part of the workman applicant. My attention was drawn to (2004) 8 SCC, this law is not applicable in the present facts and circumstances of the case. In AIR 1976 SC 1080 it has been held that the departmental proceedings do not stand on the same footing in which high degree of proof is required. The departmental proceedings are not strictly governed by the rules of evidence as contained in the evidence act. In view of this citation of the Hon'ble Supreme Court the domestic inquiry was valid even if criminal investigation was concluded and closed.

It was also submitted that the punishment is to hash. It has been held by the Hon'ble Supreme Court in (2005) 2 SCC that it is not a normal jurisdiction of the superior courts to interfere with the quantum of punishment until it is wholly disproportionate to the misconduct proved. In this case the respondent was found sleeping while on duty and earlier on three occasions he has been found guilty so the Hon'ble Supreme Court refused to interfere with the quantum of punishment.

In the instant case it is on record that once a warning was given to the workman applicant while he was found removing Cream packets from the first class galley of PAM Flight on 25-04-1978 and he has been warned for habitual absenteeism and he has been awarded punishment of two stages in a time scale of pay from Rs. 1330/- to Rs. 1300/- for a period of one year 1990. The present misconduct of the workman applicant is a serious misconduct as he wanted to obtain Visa for selling it to other persons so the quantum of punishment is not shockingly dis-proportionate to the grave misconduct of the workman applicant. No interference on that count is required.

The reference is replied thus :—

The action of the management of Air India is dismissing the service of Shri Jagat Singh, Staff No. 31162, Sr. Cleaner w.e.f. 26-11-1999 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

The Award is given accordingly.

Dated : 21-07-2005

R.N. RAI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का.आ. 3146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एरियाना अफगान एअरलाइंस प्रा.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-I के पंचाट (संदर्भ संख्या 8/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-11012/59/2003-आई आर(सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2004) of the Central Government Industrial Tribunal/Labour Court, New Delhi-I now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of M/s. Ariana Afgan Airlines P. Ltd. and their workmen, which was received by the Central Government on 4-8-2005.

[No. L-11012/59/2003-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE SHRI SANT SINGHBAL: PRESIDING OFFICER: CENTRAL GOVT. INDUSTRIAL TRIBUNAL, CUM LABOUR COURT: NEW DELHI

In the matter of dispute between :

I. D. No. 8/2004

Shir Rajesh Sharma,
Ex-Cargo Assistant,
R/o B5/43, Safdarjung Enclave,
New Delhi-110049.

—Workman

VERSUS

Managing Director,
M/s Ariana Afgan Airlines Co. Ltd.,
Room No. 210, Ashok Hotel,
Chankya Puri,
New Delhi.

—Management

APPEARANCES : None for parties.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/59/2003-I.R. (C.1) dated 14-1-04 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the demand of workman Shri Rajesh Sharma Ex-cargo assistant for re-instatement of his services upon resuming the Airlines services by the management of M/s Ariana Afgan Airlines Co. Ltd. is just, fair and legal ? If yes, to what relief is the workman entitled ?”

2. Shri Umesh Kumar for the workman appeared on 29-3-05 and moved an application for adjournment and later

on Shri Rameshwar Clerk of Shri H.L. Kuntar Advocate A/R for the management appeared and filed authority letter on behalf of Shri H.L. Kumar and R.P. Malik on behalf of the management. A receipt dated 8-12-99 appears to have been filed/placed on record indicating that the workman Rajesh Kumar Sharma has received a sum of Rs. 77860/- (Rupees Seventy Seven Thousand Eight Hundred Sixty only vide cheque No. 648548 dated 8-12-99 drawn on Punjab National Bank in full and final settlement of his dues consequent to termination of services and it is also mentioned therein that he shall not claim any further compensation from Ariana Afgan Air lines on account of his termination. Thus it is apparent from the said receipt that the applicant has received the compensation of Rs. 77860/- in full and final settlement of his claims. Even otherwise I have no reason to disbelieve the statement made by Shri K.L. Ghai A/R for management that the workman has received the amount of Rs. 77860/- in full and final settlement of his claims and it appears that for this reason the workman is not appearing and prosecuting this case. The workman appears to have compromised the matter with the management. Case is, therefore, disposed of. File be consigned to record room.

Dated : 29-7-05

SANT SINGH BAL, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का.आ. 3147.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 77/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/68/2004-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 77/2004) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workmen, which was received by the Central Government on 4-8-2005.

[No. L-20012/68/2004-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

SHRI B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947

REFERENCE. NO. 77 OF 2004

PARTIES : Employers in relation to the management of CCL's Kalyani Project and their workman.

APPEARANCES :

On behalf of the workmen : None

On behalf of the employers : Mr. D.K. Verma, Advocate

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 19th July, 2005.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/68/2004-IR(C-I), dated, the 2nd July, 2004.

SCHEDULE

"Whether the action of the management of S.D.Q. 1 (Kalyani Project) of M/s C.C. Ltd, not to provide employment to Shri Roshan Kumar, dependent son of late Nandu Ram workman under para 9.3.2 of N.C.W.A. VI is justified? If not, to what relief is the said dependent of concerned workmen entitled?"

2. In this reference neither the concerned workman nor his representative appeared before this Tribunal. Management, however, made appearance through their authorised representative. Record shows that inspite of issuance of notices and show cause notice consecutively the workman/sponsoring union failed to turn up before this Tribunal in the matter of taking steps in the instant reference case. As per Rule 10(B) of the ID. Central Rules 1957 it is mandatory to file Written Statement on the part of the concerned workman within 15 days from the date of receipt of the order of reference. The workman/sponsoring union not only violated the above provision of rule but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of this case. Under the circumstances, this Tribunal also finds no reason to adjourn the case suo moto for days together. Hence, the case is closed and accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का. आ. 3148—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 93/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/243/1995-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3148.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 93/96) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the employers in relation to the Annexure in the Industrial Dispute between the management of E.C.L. and their workmen, which was received by the Central Government on 4-8-2005.

[No. L.-20012/243/1995-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947

REFERENCE NO. 93 OF 1996

PARTIES : Employers in relation to the management of M/s. Hiramam Colliery E.C.L. and their workman.

APPEARANCES :

On behalf of the workmen : Mr. D.K. Verma, Advocate

On behalf of the employers : Mr. B. M. Prasad, Advocate

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 19th July, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/243/95-IR(Coal-I), dated, the 3rd September, 1996.

SCHEDULE

"Whether the action of the management of Hiramam Colliery of M/s. Eastern Coalfields Limited in superannuating Shri S.K. Ajad Ali, Senior Overman on 1-11-1993 is justified? If not, to what relief the said workman is entitled to?"

2. In this case both the parties appeared and filed their respective Written Statement, documents etc. The case then proceeded along with its course. Subsequently, at the stage of hearing Ld. Advocate for the workman submitted that after the death of the concerned workman as no legal heir is appearing for substitution the instant reference may be disposed of on the basis of 'No dispute' Award. This is a case of 1996. It appears from the record that ample opportunities were given to the legal heirs of the deceased workman for their substitution but they did not consider necessary to take any step. At this stage it is

needless to proceed with the hearing of this. Hence, a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का. आ. 3149—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-II, के पंचाट (संदर्भ संख्या 168/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/311/1996-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3149—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. (No. 168/98) of the Central Government Industrial Tribunal/Labour Court Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 4-8-2005.

[No. L-20012/311/1996-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri B. BISWAS, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947

REFERENCE No. 168 OF 1998

PARTIES : Employers in relation to the management of Block-2 area of M/s. BCCL, and their workman.

APPEARANCES :

On behalf of the workman : Mr. K. Chakravorty,
Advocate

On behalf of the employers : Mr. R. N. Ganguly,
Advocate

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 19th July, 2005.

AWARD

The Govt of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/311/96-IR(Coal-I), dated, the 29th June, 1998.

SCHEDULE

"Whether the demand of the Bihar Colliery Kamgar Union to promote Shri Jai Ram Singh to the post of Grade 'A' with effect from 1994 with all arrears of wages and consequential benefits is justified ? If so, to what relief should be granted ?"

2. In this reference both the parties appeared through their authorised representatives and filed their respective Written Statement, documents etc. In course of hearing Ld. Advocate for the management relying on death certificate of the concerned workman submitted that the concerned workman died on 30-1-2004 and since that date no step has been taken for filing any substitution petition on the part of the representative of the workman. Ld. Advocate who appearing on the side of the workman submitted that in the instant case a 'No dispute' Award may be passed as the parties are not interested to take further step with a view to proceed with the hearing of this case. Representative of the management does not raise any objection. In the circumstances, the case is close and accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का. आ. 3150—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-II के पंचाट (संदर्भ संख्या 187/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/348/2000-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3150—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 187/2000) of the Central Government Industrial Tribunal-cum-Labour Court Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 4-8-2005.

[No. L-20012/348/2000-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri B. BISWAS, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947

REFERENCE No. 187 of 2000

PARTIES: Employers in relation to the management of Kustore Area of M/s. BCCL and their workmen.

APPEARANCES:

On behalf of the workmen : Mr. S. Sharma

On behalf of the employer : Mr. H. Nath, Ld.
Advocate

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 13th July, 2005.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/348/2000(C-1), dated, 29th November, 2000.

SCHEDULE

"Whether the demand of the Union that the workmen Shri Devnand Sharma, Welder Cat. VI, Shri Rama Shankar Prasad Cap Lamp fitter category VI and Shri Chhena Pradhan Mechanical Fitter Grade IV of Kustore Colliery should be considered for promotion in the light of the BCCL Circular No. BCCL/PER/IR/Auxe cadre/90/9639-789 dated 4-7-90 is justified and legal and whether the action of the management of Kustore Colliery of M/s BCCL in denying the promotion to the above workmen by not complying with the above instruction is justified & Legal? If not, to what relief are the workmen concerned entitled to?"

2. The case of the concerned workmen according to written statement submitted by the sponsoring union on their behalf in brief is as follows :

The sponsoring union submitted that concerned workman Devnand Sharma, Welder Cat. VI is working since 1990 at Kustore Colliery. They submitted that his co-workers who are junior to him have got their promotions in Assistant Foreman Grade 'C' ignoring the eligibility of the concerned workman to get that promotion.

They submitted that another concerned workman Ram Shankar Prasad is discharging his duties at Kustore Colliery since 1968 as Cap Lamp Fitter. They alleged that inspite of seniority management illegally and arbitrarily issued order of promotion in favour of Shiv Shankar Prasad as Asstt. Cap Lamp in-charge in Gr. D superseding the concerned workman. They submitted that similarly Chhena Pradhan who is Mechanical Fitter has been deprived of getting his promotion in higher grade due to arbitrary decision of the management.

They alleged that they raised Industrial Dispute for conciliation as the management illegally and arbitrarily refused to consider their promotion inspite of their seniority.

Accordingly, they submitted prayer to pass award directing the management to issue order of promotion in favour of the concerned workmen with all consequential benefits.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workmen.

They submitted that as per provision of Cadre Scheme of the Company, the cases of promotion of employees of E & M Discipline of Kustore Colliery has been considered and those who have been found suitable for promotion have already been promoted to next higher grade/category. They disclosed that as concerned workmen failed to qualify for higher promotion and also as there was no vacancy the management could not consider their promotion.

They submitted that knowing fully well of this fact the sponsoring union raised Industrial Dispute which is not tenable in the eye of law. Accordingly, they submitted prayer to pass award rejecting the claim of the concerned workmen.

4. Points to be Decided

"Whether the demand of the union that the workmen Shri Devnand Sharma, Welder Cat. VI, Shri Rama Shankar Prasad Cap lamp Fitter category VI and Shri Chhena Pradhan Mechanical Fitter Grade IV of Kustore Colliery should be considered for promotion in the light of the BCCL Circular No. BCCL/PER/IR/Auxe cadre/90/9639-789 dated 4-7-90 is justified and legal and whether the action of the management of Kustore Colliery of M/s. BCCL in denying the promotion to the above workmen by not complying with the above instruction is justified & legal?

If not, to what relief are the workmen concerned entitled?"

5. Finding with reasons

It appears from the record that instant case was fixed for ex-parte hearing as neither the sponsoring union nor the concerned workmen inspite of getting ample scope failed to appear and also to adduce evidence with a view to substantiate their claim. It is further seen that inspite of giving sufficient opportunity management also did not consider necessary to adduce any evidence.

Accordingly considering the materials on record let it be considered if the claim of the concerned workmen as per reference stands on any cogent footing or not.

Considering the pleadings of both sides there is no dispute to hold that they are working at Kustore Colliery. Contention of the sponsoring union is that concerned workman Devnand Sharma is working as Welder in Cat. VI since 1990. They alleged that superseding the claim of this workman by order of the management his juniors have got their promotion in Asstt. Foreman Gr. C similarly another workman Rama Shankar Prasad who is discharging his duties as Cap lamp Fitter since 1968 was superseded by his junior Shiv Shankar Prasad in Gr. D as Asstt. Cap Lamp incharge. They further alleged that promotion of Chhena Pradhan, Mechanical Fitter has been withheld by the management.

On the contrary as per written statement contention of the management is that all promotion of employees under them are considered as per conditions laid down in the Cadre Scheme subject to availability of vacancy. They submitted that question of consideration of promotion does not arise if the concerned workman fails to qualify for promotion.

There is no dispute to hold that Job nomenclature has clearly formulated the guide line how promotion of a workman in the higher post will be considered by the management. It is the allegation of sponsoring union that workman Dev Nandan Sharma and Ram Shankar Prasad were superseded by their juniors to higher posts. In spite of claiming so the sponsoring union have failed to produce any material evidence that though these two workmen though qualified for promotion management arbitrarily ignoring their claim promoted other workmen who were juniors to them. The sponsoring union also have failed to produce any paper to show that management withheld the promotion of Chhena Pradhan. It transpires from their written statement that they have all these allegations against the management but did not consider necessary to adduce evidence for substantiating the allegation in question.

It is to be taken into consideration that facts disclosed in the written statement can not be considered as substantive piece of evidence until and unless the same are substantiated by cogent evidence.

Record shows that inspite of getting ample opportunity neither the sponsoring union nor the concerned workmen considered necessary to adduce any evidence with a view to substantiate their claims. As such, just relying on the facts disclosed in the written statement there is no scope at all to uphold the contention of the sponsoring union and for which there is no scope at all to give any relief in view of their prayer. As the sponsoring union for their whimsical acts has failed to substantiate the claim in question they are not entitled to give any relief.

In the result the following award is rendered :

That the demand of the union that the workman Shri Dev Nandan Sharma, Welder Cat. VI, Shri Ram Shankar Prasad Cap Lamp Fitter Cat. VI and Shri Chhena Pradhan Mechanical Fitter, Grade IV of Kustore Colliery should be considered for promotion in the light of the BCCL Circular No. BCCL/PER/IB/Auxa cadre/90/9639-789 dated 4-7-90 is not justified and legal. The action of the management of Kustore Colliery of M/s BCCL in denying the promotion to the above workmen by not complying with the above instuction is justified & legal.

Consequently, the concerned workmen named above are not entitled to get any relief.

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का. आ. 3151—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 8/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/508/1995-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. 8/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the Employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 4-8-2005.

[No. L.-20012/508/1995-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)
(d) of the I.D. Act., 1947

REFERENCE No. 8 of 1998

PARTIES : Employers in relation to the management
of Bagdigi Colliery of M/s. BCCL and their
workmen.

APPEARANCES :

On behalf of the workmen : None

On behalf of the employers : Mr. D.K. Verma, Advocate

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 12th July, 2005.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/508/95-IR (Coal-I), dated, the 7th January, 1998.

SCHEDULE

“Whether the demand of the Janta Sharmik Sangh, Dhanbad for regularisation of S/Sh. Arjun Paswan, Lalan Paswan and Kapildeo Paswan as contained in their letter dtd. 10-2-1995, is legal and justified? If so, to what relief are these workmen entitled?”

2. The case of the concerned workmen according to Written Statement submitted by the sponsoring union on their behalf in brief is as follows :—

The sponsoring union submitted that the concerned workmen were declared as delisted Casual Wagon loaders along with large number of workmen at Bagdigi Colliery by the management. They submitted that after delisting those workers management provided regular employment to many delisted workers at different collieries in pursuance of demand of different unions on the basis of settlement excepting the concerned workmen though their case was on the same footing with those workers who were regularised. They submitted that as their names were not included in the said settlement they submitted representation to the management for their regularisation as they put their attendance for more than 75 days during 1973 to 1976. Thereafter on the basis of Notification dt. 15-1-83 management interviewed the concerned workmen along with 15 delisted workmen to ascertain their respective fitness and genuinity for consideration of their regular employment. They disclosed that after the said interview, the Agent, Bagdigi Colliery submitted his report on 8-10-83 to Head Quarters, Koyla Bhawan. Thereafter Dy. C.P.M. (M P & R) of the Headquarter appointed Sri N.P. Sinha and Sri Samar Sinha, Personnel Manager to examine and submit report in view of report submitted by the Agent but till 14-8-86 no action was taken in the light of the report of the Agent.

However, vide letter No. 34964 dt. 14-8-86. Mr. R.P. Singh, Personnel Manager of BCCL H.Q. (MP & R) communicated to the General Manager of Lodna Area to take action being the competent authority for giving regular employment to such casual workers as per recent Circular issued by Director (P). Accordingly said R.P. Singh sent the entire file connected with the case of the concerned workmen to Lodna Area office. They disclosed that surreptitiously the said file was found missing. Accordingly new file was reconstructed and the Headquarter constituted a committee of five members under Chairmanship of Dy. CMS, Bagdigi Colliery vide letter No. BCCL/IR/RCA/88/6456 dt. 31-5-88. The said committee submitted report on 31-5-88 in favour of the concerned workmen. Thereafter the concerned workmen individually approached the management for their regularisation. The sponsoring union also by letter dt. 1-6-93 requested the management for regularising the concerned workmen but as the management refused to take any action they raised an industrial dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The Sponsoring union accordingly submitted prayer to pass Award directing the management to regularise the concerned workmen in service with retrospective effect along with back wages and other consequential relieves.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the Written Statement submitted on behalf of the concerned workmen.

They submitted that during the year 1973 to 1976 there was erratic supply of wagons in the railway siding so much so on some particulars days no wagon used to be supplied for loading of coal whereas on some other days large number of wagons used to be supplied for loading

coal within the stipulated period of 5 hours. Considering the then existing conditions of management, they used to engage unskilled loader available on a particular day as casual wagon loader for carrying on loading job. After introduction of machanical device from 1976 they discontinued the engagement of casual loader on day to day basis for loading wagons with coal. They disclosed that the concerned workmen placed their claim for performing their job as casual wagon loaders during the period from 1973 to 1976 but failed to produced any docuement indicating their employment as casual wagon loaders during the period in quastion. They could not show any letter of appointment as casual wagon loader or any I.D. Card or any employment record including Bonus Card or document relating to CMPF membership to indicate that they were on the roll of Bagdigi Colliery as Casual Wagon Loader. They submitted that all the circulars relating to appointment of Badli Miner/Loader or recruitment of fresh miner/loader were cancelled by the year 1992 as there was surplus manpower in almost all the collieries and after 1992 there exists no circular for recruitment of workmen out of the casual loaders who worked during the year 1973 to 1976 and put their attendance for 75 days or more in each year. They submitted further that the present demand made by the sponsoring union is a stale demand as no claim can be advanced after 20 years from the discontinuance of workmen of causal employment. Accordingly, the claim for regularisation of the concerned workmen is illegal, unjustified and not maintainable and for which they have submitted their prayer to pass Award rejecting the claim of the concerned workmen.

4. Points to be decided

"Whether the demand of the Janta Sharmik Sangh, Dhanbad for regularisation of S/Sh. Arjun Paswan, Lalan Paswan and Kapildeo Paswan as contained in their letter dt. 10-2-1995, is legal and justified? If so, to what relief are these workmen entitled?"

5. Finding with Reasons

It transpires from the record that the sponsoring union with a view to substantiate their claim examined one witness as WW-1, Management also with a view to establish their claim examined one witness as MW-1, WW-1 during his evidence disclosed that the concerned workman started working as casual wagon loader in the year 1969 and worked there for about 7/8 years continuously and thereafter the management without assigning any reason stopped them from work. This witness at the relevant time was the Organising Secretary of Rashtriya Colliery Mazdoor Sangh. As the management without giving any notice or assigning any reason stopped them from work they took up the matter with the management and in course of talk management assured to provide job to the concerned workmen as casual workers/badli miner/loaders if it is found that during the period of their work they put their attendance for more than 75 days in a year. They further submitted that the concerned workmen also appeared in the interview called by the management and submitted all relevant papers in support of their claim. Photocopies of the papers

submitted by the workmen are marked as Ext. W-1 to W-1/2 after objection. It has been alleged that though the concerned workmen qualified in the interview management did not offer any employment and as a result of which they took up the matter with the management again and their case was forwarded to the headquarters for decision but the Headquarters did not issue any order. In support of this claim the sponsoring union relied on a report submitted by Dy. C.P.M. photo copy of which was marked as Ext. W-2. In spite of that report he submitted that the headquarters did not issue any order for appointment of the concerned workmen and for which they were compelled to raise industrial dispute before the ALC (C) for conciliation. During cross-examination this witness admitted that the said circular relating to the employment of the casual workers who put their attendance for 75 days in a year during the period 1973 to 1975 was recalled by the management in the year 1992. This witness admitted that as per the document marked as Ext. W-2 one workman Lalan Paswan during 1974-75 put his attendance for 2/3 days respectively. He further admitted that as per the said report name of the concerned workmen are appearing in Sl. No. 10, 14 and 16 but without any surname. This witness though admitted that they are equipped with all papers to show that the concerned workmen worked under the management as wagon loader and put their attendance for more than 75 days in each year from 1973 to 1975, failed to produce any such paper to substantiate the claim of the concerned workmen. This witness further admitted that at that relevant time casual workers were eligible to open C.M.P.F. and they also used to be provided with Bonus card. MW-1 who was the Personnel manager posted at Bagdigi Colliery during his evidence disclosed that the concerned workmen never worked in any capacity at Bagdigi Colliery during the period from 1969 onwards. He admitted that there was a circular issued by the headquarters to the effect that if any workmen during the period from 1973 to 1976 worked under the management as delisted workers and put their attendance for 75 days in that case their cases for regularisation will be considered by the management. The concerned workmen never submitted any application in view of that circular to the management for their regularisation. This witness further disclosed that the said circular was recalled in the year 1992 and for which it is not operative.

Therefore, as per the claim of the sponsoring union it transpires that the concerned workmen were engaged as casual wagon loaders during the period 1973 to 1976. It is their further claim that management delisted several casual wagon loaders including the concerned workmen without considering their regularisation in service and for which they took up the matter with the management for their regularisation. It is their further contention that the management issued a circular to the effect that the casual wagon loaders who worked for more than 75 days in each year during the period 1973 to 1976 will be considered for

their Relying on the said report the representative of the concerned workmen submitted that the names of the three concerned workmen are appearing in Sl. Nos. 7, 13 and 14. On the contrary the names appearing in these Sl. Nos are not complete with their surnames for which there is no scope to draw conclusion if these workmen are the concerned workmen as per the order of reference. On the contrary from page 6 of the report the name of one Lalan Paswan is appearing at Sl. No. 7 where from it transpires that during the period 1974-75 the said workman worked under the management for 2 days and 3 days respectively. Again in page 7, names of Lalan, Kapildeo and Arjun are appearing in Sl. Nos. 10, 14 and 15 without disclosing their surname. According to this report total attendance put by them during 1973 to 1976 were 103 days, 76 days and 86 days. If the circular issued by the management is taken into consideration it is clear that during the period 1973 to 1976 each worker should put attendance at least 75 days in a year. If this report is taken into consideration in that case there is no scope to now conclude that these three persons i.e. Lalan, Kapildeo and Arjun could fulfil the conditions as laid down in the circular. Again in the same page it transpires that against the name of Lalan, Kapildeo and Arjun two persons claiming the same name each appear. It is admitted fact that the said circular was withdrawn in the year 1992. Therefore, on the basis of the said circular after 1992 there was no scope to consider claim of the concerned workmen. However, before taking into consideration of this fact it has to be established that these three concerned workmen were engaged by the management and worked during the period 1973 to 1976 as casual wagon loaders. They are also liable to establish that they were taken to badli list thereafter. WW-1 during his evidence disclosed that at that relevant time there was regularisation subject to fulfilment of certain conditions. The sponsoring union submitted that in view of the said circular management though regularised a good number of casual workers did not consider to regularise these three concerned workmen in service and for which they made representations and on the basis of the re-presentations the Agent Bagdigi Colliery submitted his report to the Headquarters on 8-10-83 and thereafter Dy. C.P.M. (MP & R) of Headquarters appointed Mr. N.P. Sinha and Sarmar Sinha to examine and submit report in view of the report submitted by the Agent. Till 14-8-86 no action was taken in the light of the report of the Agent. They submitted that Mr. R.P. Singh, Personnel Manager BCCL vide letter No. 34964 dt. 14-8-86 communicated the General Manager, Lodna Area to take action being the Competent Authority for giving regular employment to such casual workers as per circular issued by the Director (P). Along with the said letter Mr. R. P. Singh also sent the entire file connected with the case of the concerned workmen to Lodna Area office. As the said file was missing a new file was constructed and the headquarter constituted a committee of five members under Chairmanship of Dy. C.M.E., Bagdigi Colliery vide letter

No. BCCL/IR/RCA/88/6456 dt. 31-5-88. The said committee submitted their report in favour of the concerned workmen and in view of that report the concerned workmen approached the management for their regularisation in service. The sponsoring union also by letter dt. 1-6-93 requested the management for regularisation of the concerned workmen but the management did not consider necessary to give any importance to their submission. In support of this claim the sponsoring union relied on the report of the management which during evidence was marked as Ext. W-2. provision for opening of C.M.P.F. record for contribution of C.M.P.F. WW-1 further admitted that management also issued Bonus card to the casual workers for drawing bonus. This witness during evidence though assured this Tribunal to submit all necessary papers did not consider necessary to produce any paper to show that the names of the concerned workmen were recorded in the C.M.P.F. record and they contributed their wages towards C.M.P.F. and also they received bonus card. It is the contention of the sponsoring union that the concerned workmen were engaged as casual wagon loaders and performed their duties during the period in question. But in course of hearing they have failed to produce any appointment or any paper to show that they were actually engaged by the management to discharge their duties as casual wagons loaders. There is no dispute to hold that against work the casual wagon loaders used to receive the wages from the management. Naturally if the claim of the sponsoring union is taken into consideration then in that case the concerned workmen also received wages from the management against discharging of their duties but it is shocking to note that the sponsoring union did not submit a single scrap of paper to show that not only they received wages from the management but also they received bonus as per bonus card issued to them. They had the scope to produce papers relating to C.M.P.F. record with a view to support their claim but that too the sponsoring union did not consider to produce.

It is the contention of the sponsoring union that the Agent, Bagdigi Colliery submitted a report to the Headquarter wherein the names of the concerned workmen were included. Subsequently they were interviewed by the Headquarter and selected. They submitted that in support of their claim the concerned workmen submitted their credentials which during evidence of WW-1 were marked as Ext. W-1, W-1/1 and W-1/2. From these papers there is no scope to arrive into conclusion that these papers were actually submitted to the management in support of their claim as his same neither bear any office seal nor any endorsement of the official of the management. Accordingly, considering these documents there is no scope to arrive into conclusion that the concerned workmen were selected in the interview conducted by the management and thereafter they submitted these papers in support of their credentials. Therefore, relying on these documents there is no scope to arrive into conclusion that the concerned

wormen actually worked under the management as casual wagon loaders during the period in question. I have already discussed the photo copy of the report marked as Ext. W-2. From this report excepting one Lalan Paswan as appearing in page No. 6 I do not find the name of other workmen with their surname. Onus lies on the sponsoring union to establish that Arjun Paswan and Kapildeo Paswan are the actual and genuine workmen who worked as casual workman under the management. If Lalan Paswan is considered as genuine workman in that case his claim does not stand on the ground that he fulfilled the condition as laid down in the circular in the matter of attendance of 75 days. Actually during the years 1974, 1975 this workman Lalan Paswan gave his attendance for 2 and 3 days only.

WW-1 during evidence admitted that in the year 1992 the said circular issued by the management was recalled and for which it has no effective value. Therefore, when once the said circular was recalled and not in operation there is no scope on the part of the sponsoring union to claim regularisation of the concerned workman relying on the circular in view of the industrial dispute raised by them after recalling that circular. The sponsoring union in course of hearing examined one trade union leader as WW-1 but did not consider necessary to examine the concerned workmen. Had that been so there was scope for identification of the concerned workmen if they actually worked under the management during the period in question. Considering all materials on record there is sufficient reason to say that the sponsoring union in a very reluctant way proceeded with the hearing of this case. Onus was absolutely on them initially to establish that the concerned workmen were engaged by the management to work as casual wagon loader and secondly their onus was to establish that they actually worked for more than 75 days in a year during 1973 to 1976. I find no hesitation to say that they lamentably failed to fulfil the conditions as mentioned above. Record shows clearly that after recalling the said circular by the management in the year 1992 the sponsoring union raised this industrial dispute. Therefore, onus was on the sponsoring union to establish that even though the circular was recalled the concerned workmen are entitled to get their regularisation but this fact also they have failed to establish in course of hearing.

In view of the facts and circumstances I find no hesitation to say that the sponsoring union have lamentably failed to establish the claim of the concerned workmen and for which there is no scope to give any relief in view of their prayer. In the result, the following Award is rendered :—

“The demand of the Janta Sharmik Sangh, Dhanbad for regularisation of S/Sh. Arjun Paswan, Lalan Paswan and Kapildeo Paswan as contained in their letter dt. 10-2-1995 is not legal and justified. Consequently, the concerned workmen are not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2005

का.आ. 3152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 187/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/121/2001-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2005

S.O. 3152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 187/2001) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of E.C.L. and their workmen, which was received by the Central Government on 4-8-2005.

[No. L-20012/121/2001-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT: Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 187/2001

PARTIES: Employer in relation to the management of Mugma Area of M/s ECL, PO Mugma, Dt. Dhanbad and their workmen.

APPEARANCES:

On behalf of the workmen : Shri S. Bose
On behalf of the employer : Shri B.M. Prasad, Ld.
Advocate
State : Jharkhand Industry : Coal

Dated the 12th July, 2005

AWARD

The Govt. of India Ministry of labour, in exercise of the powers conferred them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/121/2001-I.R.(C-I) dated, the 10th July, 2001.

SCHEDULE

"Whether the action of the management of M/s. ECL in not regularising Sri T.K. mukherjee and Sri J.L. Kumbhikar as Magazine Clerks from 1993 and 1997 respectively is fair and justified? If not, to what relief are the concerned workmen entitled?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union on their behalf in brief is as follows:

The sponsoring union submitted that the concerned workmen were mining helpers in Cat. II of Kapasara Colliery.

They submitted that management deployed them as Magazine Clerk against permanent vacancy in the year 1993 and in the year 1997 in that capacity they are working continuously. They submitted as the concerned workman continuously for years together discharged their duties as Magazine Clerk they have got their eligibility to be regularised as Magazine Clerk in clerical Gr. II and accordingly they submitted representation to the management through sponsoring union to regularise them in that grade. They alleged that inspite of submitting representation management did not consider their prayer and for which they were compelled to raise Industrial dispute. The sponsoring union accordingly submitted prayer to pass award directing the management to regularise concerned workmen T.K. Mukherjee w.e.f. 1993 and Shri J.L. Kumbhikar w.e.f. 1997 as Magazine Clerk with appropriate seniority and other consequential benefit.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement.

They submitted that after introduction of Cadre Scheme duly formulated by J.B.C.C.I. there is no scope for regularisation of any time rated or piece rated worker in any clerical post as because the avenue of selection of any workman in clerical post is quite different. They submitted that the concerned workmen are time rated helper in Cat. III and are performing the time rated jobs. They alleged that the concerned workmen have made out this case to get a clerical jobs with the help of litigation by circumventing the provisions of Cadre Scheme as well as specific restrictions imposed by the Head Quarter. Accordingly, they submitted that on the basis of state demand no relief could be given to them and for which they submitted prayer to pass award rejecting their claim.

4. POINTS TO BE DECIDED

"Whether the action of the management of M/s. ECL in not regularising Sri T.K. Mukherjee and Sri J.L. Kumbhikar as Magazine Clerk from 1993 and 1997 respectively is fair and justified? If not, to what relief are the concerned workmen entitled?"

5. FINDING WITH REASONS

It appears from the record that the concerned workmen or the sponsoring union inspite of giving ample opportunity has failed to appear with a view to substantiate the claim in question the instant reference case was fixed for exparte hearing. In course of exparte hearing management also declined to adduce any evidence.

In view of this situation let it be considered if the concerned workmen are entitled to get any relief or not. Considering the pleadings of both sides there is no dispute to hold that the concerned workmen are Mining helpers in time rated Cat. II. The contention of the sponsoring union is that being directed by the management concerned workmen T.K. Mukherjee and J.L. Kumbhikar started discharging their duties as Magazine Clerk from 1993 and 1997 respectively against permanent vacancy. They submitted that in the said capacity they continuously discharged their duties for years together. Accordingly,

they submitted representation to the management for their regularisation as Magazine Clerk in clerical Gr. II from 1993 and 1997 respectively but to no effect and for which they raised Industrial dispute.

On the contrary it is the contention of the management that after introduction of cadre scheme as per J.B.C.C.I. Circular there is no scope of switching over designation of any workman from one category to one cadre. They submitted that as per cadre scheme there is specific norm for selection of any workman in clerical grade, and for which there is no scope for any workman who is in category I or II to get his regularisation directly in clerical grade without facing the selection process.

It is the specific claim of the sponsoring union that as per order of the management the concerned workman started working as Magazine Clerks from the year specified above against permanent vacancy. In view of that submission onus is on the sponsoring union to establish that management issued necessary order in their favour to work as magazine clerk against permanent vacancy. It is seen that inspite of giving ample opportunity the sponsoring union have failed to produce an iota of evidence to show that they took up the work of magazine clerk in view of order issued by the management. It is their further contention that in the said capacity they discharged their duties continuously for years together. In spite of claiming so they have also failed to substantiate the said claim.

Accordingly, it is seen that excepting placing claim for regularisation of the concerned workmen in the post of magazine clerk which comes under clerical grade they have failed to produce any cogent paper. It is to be taken into consideration that facts disclosed in the written statement for regularisation as magazine clerk can not be considered as substantive piece of evidence until and unless such claim is substantiated by cogent evidence.

In view of the facts and circumstances discussed above I find no hesitation to say that sponsoring union inspite of getting ample opportunity have failed to justify their claim and for which the concerned workman are not entitled to get any relief. In the result the following award is rendered :

“That the action of the management of M/s. ECL in not regularising Sri T.K. Mukherjee and Sri J.L. Kumbhikar as Magazine Clerks from 1993 and 1997 respectively is fair and justified. Consequently, the concerned workman named above are not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 9 अगस्त, 2005

का.आ. 3153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. मेवाड़ मार्बल्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, उदयपुर के पंचाट (संदर्भ संख्या 5/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-2005 को प्राप्त हुआ था।

[सं. एल-29012/131/2000-आई.आर. (विधि)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 9th August, 2005

S.O. 3153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2001) of the Industrial Tribunal, Udaipur as shown in the Annexure, in the Industrial Dispute between the management of M/s. Mewar Marble Ltd. and their workman, received by the Central Government on 9-8-2005.

[No. L-29012/131/2000-IR (M)]

B. M. DAVID, Under Secy.

अनुबंध

न्यायालय न्यायाधीश, औद्योगिक विवाद अधिकरण एवं
श्रम न्यायालय, उदयपुर

पीठासीन अधिकारी : उषा अग्रवाल, आर. एच. जे. एस.

प्रकरण संख्या : 5/2001

आई.टी.आर. (के.स.)

रामलाल पिता किशन जी गमेती—केसागुडा, पोस्ट बसा वर्तमान पता
निवासी चोरच, राजसमंद। —प्रार्थी

बनाम

मैसर्स मेवाड़ मार्बल्स लिमिटेड, 18 पोलो ग्राउंड, उदयपुर द्वारा
महाप्रबन्धक। —विपक्षी

उपस्थित :

श्री प्रदीप पालीवाल : प्रार्थी की ओर से।

विपक्षी की ओर से कोई उपस्थित नहीं।

दिनांक : 12 जुलाई, 2005

पंचाट

भारत सरकार के श्रम मंत्रालय द्वारा जरिये पत्र क्रमांक : एल-29012/131/2000/आई.आर. (एम) दिनांक 27-3-2001 द्वारा निम्नलिखित प्रसंग इस न्यायालय को अधिनिर्णय हेतु प्रेषित किया गया।

“Whether the action of the management of M/s. Mewar Marbles Ltd. Nizrana, Dt. Rajsamand in terminating the services of Shri Ramlal S/o Shri Krishna ji Ex. Beldar w.e.f. 4-5-1999 is legal and justified? If not, what relief the concerned workmen is entitled to?”

उक्त आशय का प्रसंग प्राप्त होने पर न्यायालय द्वारा दि. 1-5-01 को प्रकरण संख्या : 5/01 आई.टी.आर. दर्ज रजिस्टर किया जाकर पक्षकारों को नोटिस जारी किये गये, जिस पर प्रार्थी की ओर से क्लेम पेश किया गया व विपक्षी की ओर से जवाब पेश किया गया।

संक्षेप में क्लेम प्रार्थना पत्र के तथ्य इस प्रकार हैं कि प्रार्थी रामलाल की नियुक्ति बेलदार के पद पर लगभग अप्रैल 1984 में विपक्षी के अधीन दी गयी तभी से उसने विपक्षी को संतोषप्रद सेवाएं प्रदान की, किंतु प्रार्थी को 15 वर्ष की सेवा काल में अविपक्षी ने बेलदार अर्थात् अनसिकिल कर्मकार का ही वेतन दिया और प्रार्थी को अर्द्धकुशल और कुशल कर्मकार कभी नहीं बनाया दि. 1-4-99 तक प्रार्थी को वेतन लगभग 1500 रु. मासिक था जो न्यूनतम वेतन से भी कम था। निवेदन किया कि प्रार्थी ने अप्रैल 84 से दि. 31-3-99 तक विपक्षी को संतोषप्रद

सेवाएं प्रदान की तत्पश्चात् अचानक, अकारण दि: 1-4-99 को विपक्षी ने प्रार्थी को सेवा पृथक कर दिया। प्रार्थी ने 15 वर्षों तक सतत् सेवाएं प्रदान की और उसके विरुद्ध कभी कोई शिकायत व आरोप नहीं रहा था और उसकी उम्र भी सेवा देने योग्य रही है। निवेदन किया कि प्रार्थी के बाद नियोजित व्यक्ति 1-4-99 के बाद भी कार्यरत थे प्रार्थी को सेवा समाप्ति से पूर्व क्षतिपूर्ति का भुगतान नहीं किया गया, एक माह की अग्रिम सूचना नहीं दी गयी तथा अन्य देय लाभ भी प्रदान नहीं किया गया। सेवा समाप्ति दि: 1-4-99 के बाद प्रार्थी से विपक्षी ने कुछ कागजों पर हस्ताक्षर करवाये और मौखिक रूप से कह दिया कि उसके कार्य की आवश्यकता नहीं है। निवेदन किया कि प्रार्थी अनपढ़ है और विपक्षी द्वारा उसके अशिक्षित होने का लाभ लेकर उसे डरा धमकाकर कतिपय खाली कागजों पर हस्ताक्षर करा लिये गये, उसका दुरुपयोग विपक्षी द्वारा किस में किया गया यह पता नहीं, किंतु विपक्षी द्वारा समझौता कार्यवाही में 19-2-2000 को यह कहा गया कि पी.एफ. की राशि निकालने का प्रार्थना पत्र दिया गया है। प्रार्थी द्वारा पी.एफ. आफिस में पता करने पर उसको पता लगा कि कोई राशि विपक्षी द्वारा जमा नहीं करायी गयी है। ऐसी स्थिति में प्रार्थी को विपक्षी का असत्य और झूठा चरित्र उजागर होता है। निवेदन किया गया कि प्रार्थी की सेवाएं क्षतिपूर्ति की राशि, एक माह की अग्रिम सूचना अथवा नोटिस एवं नोटिस के स्थान पर वेतन नहीं देने के कारण नैसर्गिक न्याय के विरुद्ध होने के कारण सेवाएं अवैध रूप से समाप्त की गयी है। प्रार्थना की गयी कि प्रार्थी की अवैध रूप से समाप्त किये जाने के प्रार्थी सेवा समाप्ति की तिथि से बेरोजगार होने से वरियता, बड़ी राशि एवं निरन्तरता सहित एवं अन्य सभी लाभों सहित पुर्ननियुक्ति करायी जावे तथा दावे का हर्जा-खर्चा दिलाया जावे।

विपक्षी ने जवाब क्लेम प्रार्थना पत्र प्रस्तुत कर इस कथन को अस्वीकार किया कि प्रार्थी को अप्रैल 84 में बेलदार के पद पर नियुक्ति दी गयी हो। प्रार्थी की नियुक्ति 10 जून 88 को की गयी उस समय प्रार्थी की आयु 48 वर्ष थी कंपनी के प्रमाणित स्टैण्डिंग आदेश के अनुच्छेद सं. 23 के अनुसार सेवानिवृत्ति उम्र 58 वर्ष है। इस प्रकार प्रार्थी ने 30 मई 1998 को 58 वर्ष की आयु पूरी कर ली थी। कंपनी की आर्थिक स्थिति ठीक नहीं होने के कारण प्रार्थी को 4 मई 99 से सेवा मुक्त किया गया। यह कहना गलत है कि प्रार्थी ने कंपनी में 15 वर्ष तक सेवाएं प्रदान की। प्रार्थी माईन्स पर बेलदार के पद के लिये उपयुक्त था, अतः उसे उसी पर निरन्तर कार्य पर रखा गया। प्रार्थी को अन्य श्रमिकों के साथ-साथ समय-समय पर वेतन बढ़ोत्तरी एवं केन्द्रीय सरकार द्वारा महंगाई भत्ता की राशि बढ़ाने पर प्रदान की जाती रही है। प्रार्थी का वेतन 1 अप्रैल 99 को 47.86 प्रतिदिन था जो न्यूनतम वेतन से कम नहीं था। प्रार्थी ने सेवा 10 जून 88 से शुरू की एवं 4 मई 99 से सेवानिवृत्त किया गया। अतः यह गलत है कि उसको अकारण दि: 1-4-99 को सेवा पृथक कर दिया हो। प्रार्थी के बाद नियोजित व्यक्ति अगर उन्होंने सेवामुक्ति की आयु पूरी नहीं की है तो निश्चित रूप से सेवा दे रहे होंगे। प्रार्थी को सेवानिवृत्ति की तिथि के बारे में लिखित पत्र देने के लिये बुलाया, परंतु उसने पत्र लेने से मना कर दिया एवं कहा कि कंपनी के पास जब भी हिसाब करने के लिये राशि उपलब्ध हो तब सेवानिवृत्त कर देना। जब तक ग्रेच्युटी, बोनस एवं बाकी छुट्टी में पेमेंट भुगतान नहीं किया जाता है तब तक वह माईन्स पर कार्य करता रहेगा प्रार्थी ने 30 मई 98 को सेवानिवृत्ति की आयु 58 वर्ष पूरी कर ली थी फिर भी उसे 3 मई 99 तक बकाया राशि की व्यवस्था नहीं होने से सेवा में रखा गया। प्रार्थी को सेवानिवृत्त किया गया अतः क्षतिपूर्ति की राशि के भुगतान का प्रश्न ही नहीं उठता है। प्रार्थी को ग्रेच्युटी का रु. 7179, बोनस वर्ष 1997-98 का रु. 1054 एवं बकाया छुट्टियों के बदले रु. 383 का भुगतान 3-5-99 को किया गया जिसके

वाउचर की फोटो प्रति प्रदर्श: 1 संलग्न है। प्रार्थी से विपक्षी ने किसी भी खाली कागज पर हस्ताक्षर नहीं करवाये हैं। हस्ताक्षर केवल ग्रेच्युटी भुगतान हेतु वांछित फार्म नं. 1 एवं राशि भुगतान वाउचर पर ही लिये गये हैं। विपक्षी एक पब्लिक लि. कं. है एवं इसमें किसी एक व्यक्ति का ही लाभ निहित नहीं है। विपक्षी ने प्रार्थी के अनपढ़ एवं अशिक्षित होने का कोई अनुचित लाभ नहीं उठाया उसे कभी डरा धमकाकर किसी भी खाली कागज पर हस्ताक्षर नहीं लिया गया। प्रार्थी को भविष्य निधि कार्यालय से रु. 22,749 का भुगतान मई 2000 में भेजा गया, अतः प्रार्थी का यह कथन पूर्ण रूप से मिथ्या है कि विपक्षी ने कोई राशि भविष्य निधि में जमा नहीं करायी है। प्रार्थी की सेवाएं निर्धारित आयु पूर्ण करने पर ही समाप्त की गयी है, अतः क्षतिपूर्ति राशि एवं एक माह की अग्रिम सूचना अथवा नोटिस के स्थान पर कोई वेतन देय नहीं बनता है। प्रार्थी को वैध रूप से सेवानिवृत्त किया गया है, अतः किसी भी राशि के भुगतान एवं पुर्ननियुक्ति का दायित्व विपक्षी का नहीं बनता है। प्रार्थना की गयी कि प्रार्थी का प्रार्थना पत्र खारिज परमाया जावे।

प्रार्थी की ओर से अपने क्लेम प्रार्थना पत्र के समर्थन में स्वयं का शपथ पत्र प्रस्तुत किया गया तथा दि: 6-8-03 को विपक्षी की ओर से किसी के उपस्थित नहीं होने से विपक्षी का प्रार्थी से जिरह करने का अधिकार समाप्त किये जाने का आदेश दिया गया। प्रार्थी की ओर से दस्तावेजी साक्ष्य में वेज स्लिप पी.एफ. स्लिप, भुगतान प्राप्ति रसीद आदि की छाया प्रतियां प्रस्तुत की गयी हैं।

बहस प्रतिनिधि प्रार्थी सुनी गयी व पत्रावली का अवलोकन किया गया हस्तगत प्रकरण में हमें देखना है कि प्रार्थी श्रमिक रामलाल को उसके नियोजक विपक्षी मै. मेवाड़ मार्बल लि. द्वारा दिनांक 4-5-99 से सेवामुक्त करना उचित एवं वैध है ?

हस्तगत प्रकरण में विपक्षी की ओर से कोई मौखिक या दस्तावेजी साक्ष्य प्रस्तुत नहीं की गयी है, जबकि प्रार्थी की ओर से अपने क्लेम प्रार्थना पत्र के समर्थन में स्वयं का शपथ पत्र प्रस्तुत किया गया है, जिसमें प्रार्थी ने अप्रैल 1984 से विपक्षी के अधीन बेलदार के पद पर नियुक्त होना कथन किया है तथा उसका वेतन 1500 रु. मासिक होना एवं दि: 1-4-99 को विपक्षी द्वारा अचानक व अकारण सेवा पृथक कर दिया जाना कथन किया है। विपक्षी ने जवाब क्लेम प्रार्थना पत्र में प्रार्थी की नियुक्ति 10 जून 88 से किया जाना कथन किया है, परंतु इसकी पुष्टि में कोई दस्तावेजी या मौखिक साक्ष्य प्रस्तुत नहीं की है। अतः यह माने जाने योग्य नहीं है कि प्रार्थी की नियुक्ति 10 जून 88 को विपक्षी द्वारा की गई हो, बल्कि प्रार्थी की नियुक्ति सर्वप्रथम अप्रैल, 1984 में बेलदार के पद पर विपक्षी के यहां हुई थी। प्रार्थी ने अपने क्लेम प्रार्थना पत्र व शपथ पत्र में दिनांक 1-4-99 को उसे सेवा से पृथक किया जाना कथन किया है, जबकि भारत सरकार द्वारा प्रेषित प्रसंग में सेवा पृथक दिनांक 4-5-99 दर्शा रखी है तथा विपक्षी ने अपने जवाब क्लेम प्रार्थना पत्र में कथन किया है कि प्रार्थी को 4 मई 1999 को सेवामुक्त किया गया है, अतः यह माना जायेगा कि प्रार्थी को दिनांक 4-5-99 को विपक्षी द्वारा सेवामुक्त किया गया है। विपक्षी ने जवाब क्लेम प्रार्थना पत्र में कथन किया है कि प्रार्थी 30 मई, 98 को 58 वर्ष की आयु पूरी कर ली थी। कंपनी की आर्थिक स्थिति ठीक नहीं होने के कारण प्रार्थी को 4 मई, 1999 को सेवामुक्त किया गया जबकि प्रार्थी को विपक्षी द्वारा सेवानिवृत्ति की आयु होने पर सेवानिवृत्ति करना था जो कि विपक्षी द्वारा नहीं किया गया है, बल्कि प्रार्थी को सेवामुक्त किया है। ऐसी स्थिति प्रार्थी को सेवामुक्त करने से पहले विपक्षी द्वारा धारा : 25 एफ. ओ. वि. अधि. के प्रावधानों की पालना किया जाना आवश्यक था जो नहीं किया गया है। अतः विपक्षी द्वारा प्रार्थी श्रमिक को दिनांक 4-5-99 को सेवामुक्त किया जाना उचित एवं वैध नहीं है।

अब, हमें देखना है कि प्रार्थी श्रमिक क्या रहत पाने का अधिकारी है ?

प्रार्थी श्रमिक सेवानिवृत्ति की आयु प्राप्त कर चुका है, ऐसी स्थिति में प्रार्थी को पुनर्नियुक्ति दिलाया जाना उचित नहीं समझते हैं कि बल्कि एकमुश्त क्षतिपूर्ति राशि रु. 12,500 दिलाया जाना उचित समझते हैं। विपक्षी प्रार्थी श्रमिक को इस अवैधानिक सेवा समाप्ति के परिणामस्वरूप क्षतिपूर्ति राशि रुपये 12,500 पंचाट प्रकाशन से दो माह में प्रार्थी को अदा करे अन्यथा राशि अदा नहीं होने पर प्रार्थी श्रमिक इस राशि पर 6 प्रतिशत वार्षिक की दर से ब्याज प्राप्त करने का अधिकारी होगा।

भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित प्रसंग को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है कि मैसर्स मेवाड़ मार्बल्स लि० निजराना जिला राजसमंद द्वारा श्री रामलाल पिता श्री कृष्ण जी बेलदार को दिनांक 4-5-1999 से सेवापृथक किया जाना उचित एवं वैध नहीं था। इस अवैधानिक सेवा समाप्ति के परिणामस्वरूप प्रार्थी श्रमिक अपने उपरोक्त नियोजक विपक्षी से क्षतिपूर्ति राशि 12,500 (बारह हजार पांच सौ रुपये) प्राप्त करने का अधिकारी है। विपक्षी क्षतिपूर्ति राशि 12,500 रु० प्रार्थी को पंचाट प्रकाशन से दो माह में अदा करे अन्यथा राशि अदा नहीं होने पर प्रार्थी श्रमिक इस राशि पर 6 (छ) प्रतिशत वार्षिक की दर से ब्याज भी प्राप्त करने का अधिकारी होगा। पंचाट प्रकाशनार्थ भारत सरकार को भेजा जावे।

पंचाट आज दिनांक 12-7-2005 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

उषा अग्रवाल, न्यायाधीश

नई दिल्ली, 9 अगस्त, 2005

का.आ. 3154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार माई होम सीमेन्ट्स इंडस्ट्रीज लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 126/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-2005 को प्राप्त हुआ था।

[सं. एल-29025/27/2005-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 9th August, 2005

S.O. 3154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 126/2003) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of My Home Cements Industries Ltd., and their workman, which was received by the Central Government on 9-8-2005.

[No. L-29025/27/2005-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri T. Ramachandra Reddy, Presiding Officer

Dated 29th July, 2005

INDUSTRIAL DISPUTE L.C.I.D. NO. 126 OF 2003

BETWEEN:

1. Veera Reddy

... Petitioner

AND

The Chief Executive,
M/s. My Home Cements Industries Ltd.,
Mellacheru (VI) Kodad (Tq.)
Nalgonda District.

.... Respondents

APPEARANCES:

For the Petitioner : G. Ravi Mohan Advocate

For the Respondent : K. Srinivasa Murthy, Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh, reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. This Petition was filed under Section 2(A)(2) by the petitioner stating that he studied upto 9th Class and also did ITI and that he was appointed as a load operator in the respondent industry with initial payment of Rs. 1750 Per month and subsequently enhanced to Rs. 1850 per month basing upon his nature of duties and that he performed his duties at utmost satisfaction of his superior but suddenly terminated his services without giving any notice w.e.f. 5-3-1999 which is illegal and violation of principal of natural justice and contravening the Section 25(F) of ID Act, 1947 Further submitted he is a workman as defined under section 2(s) of ID Act and he also made an appeal to the Head Office of the respondent at Hyderabad for his reinstatement into service but there is no response and he sought the relief directing the respondent to reinstate him with continuity of service with back wages.

3. The respondent filed a counter and denied the averments made in the application and pleaded that the application is not maintainable under Section 2(A) (2) of state amendment dealt with the discharge, dismissal or retrenchment of workmen from service. The appropriate government of the respondent is the Central Government and as such the state amendment of Section 2A(2) is not applicable.

4. It is further submitted that the applicant was appointed as a trainee and respondent management has got every right to terminate the service during the training if not satisfied with the performance of the applicant. The appointment of the applicant as a Regular employee or confirmation depends on his performance during the training and the applicant gets his right as a workman only in the event of confirmation of his services. It is further stated that he was taken as a trainee load operator on 15-3-1997 with the initial stipend of Rs. 1750 which was enhanced to Rs. 1850 subsequently and that the applicant has acted against the interests of the company during the period of his training and did not change his behaviour inspite of due advise. As such he was terminated vide order dated 5-3-1999 giving one month salary in lieu of notice period. The order sent to the applicant's address was returned with an endorsement not available.

5. The applicant filed his affidavit as WW1 in support of his claim and got marked the documents as Ex. W1 to W3. Ex. W1 is the appointment letter Ex. W2 is enhancing the salary of Rs. 100 per month Ex. W3 is the office copy of the legal notice issued through his advocate.

6. As against his evidence, the respondent examined Shri K. Pradeep Kumar as MW1 the Deputy Personnel Manager and got marked the documents as Ex.s M1 to M4. The Ex. M1 is the appointment letter of the applicant as trainee load operator. Ex. M2 is the termination letter. Ex. M3 is the letter of petitioner withdrawing legal notice. Ex. M4 is the legal notice issued by the applicant through his advocate.

7. It is sworn by the applicant that he was a technician and appointed as a load operator by the respondent on 15-3-1997 and he was paid initially Rs. 1750/- per month and enhanced his salary subsequently to Rs. 1850/- per month and that he was terminated on 5-3-99 without assigning any reason and without conducting any enquiry or issuing any chargesheet and therefore he got issued a legal notice dated 23-12-1999 for his reinstatement and there is no reply to that and requested to set aside the termination order and sought the relief for his reinstatement with back wages and continuity of service.

8. The respondent witness has sworn that the applicant was appointed as a trainee load operator under Ex. M1 dated 15-3-1997 with the initial payment of Rs. 1750 per month and subsequently enhanced to Rs. 1850 per month and that the applicant has acted against the interests of the company and advise to change his behaviour but the applicant did not show any improvement inspite of giving several oral warning. As such he was terminated vide order dated 5-3-99 Ex. M2 and he was paid one month stipend in lieu of notice period. The applicant has issued a legal notice. But subsequently withdrawn his notice by giving another letter dated 16-4-2001 Ex. M3. He admitted in his cross-examination that the trainee period of the applicant is only for one year and after expiry of the period the training period was not extended and further no memo or warning in writing was given to the petitioner regarding unsatisfactory work of the applicant.

9. It is not in dispute that the appointment letter of the applicant shows that he was appointed as trainee load operator and that he was terminated on 5-3-99. Nearly the applicant has worked 10 days less than two years. It is also not in dispute that the applicant's appointment order Ex. M1 discloses that he will be on training for a period of one year and he is liable to be transferred at any place as and when desired by the management.

10. It is also not in dispute that before the expiry of the training period one year, it was not extended to any further period on account of unsatisfactory work of the applicant. Admittedly there are no written warnings about unsatisfactory work of the applicant.

11. The Learned Counsel for the applicant contended that the applicant is a workman within the meaning of the 2(s) of ID Act and training period of the applicant was not extended within the stipulated period of one year as such it shall be deemed that his services are confirmed and further contended that if the work of the

applicant is not satisfied, the respondent would have issued memos in writing and extended the period of training within one year and further contended that the respondent appointing workers in the name of trainee and terminating their services without extending at their will and wish and thereby practicing unfair labour practices and further contended that even after expiry of one year training period, the applicant has worked for 10 days less than one year i.e. more than 240 days continuously as such he should be deemed to be a workman within the definition of 2(s) of ID Act and entitled to all the benefits. It is further contended that the applicant was terminated without any enquiry or giving charge sheet is in violation of section 25 (F) of ID Act requested to set aside the order of the termination.

12. On the other hand, the Learned Counsel for the respondent, vehemently contended that the applicant is only a trainee load operator and he will not come under the definition of the workman unless he was appointed on regular basis or confirmed after the training period and further contended that the behaviour of the applicant is not upto the expectation and acted against the interests of the respondent company and that he cannot improve his efficiency or behaviour inspite of giving several warnings as such his training was terminated by the respondent with one month pay in lieu of the notice and further contended that the applicant has not filed an appeal to the management at Hyderabad and the legal notice was issued by the applicant was withdrawn subsequently requesting for his appointment. The Learned Counsel relied upon the decision of the Division Bench of our High Court reported in 2004-ii LLJ Vijayalaxmi Insecticide and Pesticide Limited, Hyderabad and chairman, Industrial Tribunal-cum-Labour Court, Visakhapatnam, and others wherein it was held that the trainee helper will not come under the definition of Workman under Section 2(s) of ID Act.

13. In the said ruling the management engaged in the business of manufacture and sale of pesticides and insecticides as such every employee engaged in relation the production has to be skilled in handling the materials which is dangerous and poisonous. Hence, they recruit the persons as trainees and subsequently they will be recruited upon the satisfactory work of the trainees. In the said ruling, the persons were appointed initially on a training for a period of one year from the date of joining and if they are not confirm in writing within the period of one year, the training will be deemed to be extended and they are liable to be terminated without notice or assigning any reason subject to the period during the training period. The performance of the trainees are reviewed within the stipulated period of one year and their training was extended and ultimately the management terminated the services of the trainees on account of non-satisfaction of the performance during the training period and extended period.

14. In the present case, the training period of the applicant was only one year i.e. from the date of appointment i.e. on 15-3-1997. The respondent has to review the performance of the applicant before 14-3-1997 and in the event of not satisfying with the work of the applicant, the respondent management is at liberty to extend the training period or terminate the services. But the respondent has not chosen to extend the period of training within the stipulated period of one year. There is no deemed

provision of extension of training in the absence of review. Though the respondent claims that the applicant was warned for his unsatisfactory work, admittedly no written memo was given and further no evidence was adduced to that affect. There is no stipulation in the appointment letter that the training period of the applicant will be extended on account of his unsatisfactory work by reviewing the performance within one year. Further the nature of the work of the applicant is only a load operator and services of the applicant cannot be compared with the trainees of the Vijayalaxmi Insecticides and Pesticides. The job of the Applicant does not require much skill as compare to the workers in the said company.

15. In view of the circumstances after completing the training period of one year in the absence of extension, he stands on the same footing as that apprentice or probationer.

16. In view of the fact that the applicant was retained in the services even after completion of one year training period not reviewing by extending the training period without reviewing performance or extending the period and continued in service for about one year even if the stipulated period. He shall be deemed to be a workman within the definition of Section 2(s) of ID Act. Whether the applicant is a workman is to be determined with reference to the facts and circumstances of each case and on the material record. The facts in the present case are entirely different with the ruling relied by the Learned Counsel for the respondent. It should be noted on account of termination of the services of the applicant got issued notice through his advocate alleging violation of the legal right and subsequently he has withdrawn legal notice with a fond hope that the respondent will appoint him in their company and he begged for appointment on account of his poverty and liability to maintain three unmarried daughters. The withdrawal letter is of no consequence.

17. In view of the circumstances, I pass the award that the applicant is a workman within the definition of 2(s) of ID Act and entitled for reinstatement with 50% of back wages of the last pay drawn and the respondent is directed to reinstate the applicant with continuity of services from the date of his termination within one month from the date of notification of the award.

Award is passed accordingly. Transmit.

Dictated to Shri P. Kanaka Raju, LDC transcribed by him, corrected and pronounced by me on this the 29th day of July, 2005.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1	MW1

Documents marked for the Petitioner

Ex. W 1 : Appointment order dt. 15-3-1997
Ex. W 2 : Salary enhancement certificate issued by the Chief Executive dt. 31-5-1998
Ex. W 3 : Legal Notice dt. 23-12-1999

Documents marked for the Respondent

Ex. M 1 : Settlement dt. 9-1-95 between Management and Workmen Union

Ex. M 2 : Termination of training of petitioner.

Ex. M 3 : Letter of petitioner withdrawing legal notice dt. 16-4-2001.

नई दिल्ली, 10 अगस्त, 2005

का.आ. 3155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 152/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/190/1996-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 10th August, 2005

S.O. 3155.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 152/97) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Tisco and their workman, which was received by the Central Government on 9-8-2005.

[No. L-20012/190/1996-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act.

Reference No. 152 of 1997

PARTIES: Employers in relation to the management of Jamadoba Colliery of M/s. TISCO.

AND

Their Workmen

PRESENT: Shri Sarju Prasad, Presiding Officer

APPEARANCES:

For the Employers : Shri D.K. Verma, Advocate

For the Workmen : None.

State : Jharkhand. : Industry : Coal.

Dated, the 21st July, 2005

AWARD

By Order No. L-20012/190/96-IR (C-I) dated 27-8-97 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (i) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal :

“Whether the action of the management of M/s. TISCO in imposing punishment to Sri Ashish Das, M.C. Mazdoor is justified? If not, to what relief is the concerned workman entitled?”

2. This reference is of the year 1997. But since then neither the sponsoring union nor the concerned workman is appearing to take any step. It, therefore, appears that the concerned workman is not interested to contest the case.

3. Under such circumstances I render a ‘No Dispute Award’ in the present case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 10 अगस्त, 2005

Dated, the 22nd July, 2005

का. आ. 3156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 231/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/407/2001-आई आर(सी-I)]
एस.एस. गुप्ता, अवर सचिव

New Delhi, the 10th August, 2005

S.O.3156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 231/2001) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 9-8-2005.

[No. L-20012/407/2001-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A)
of I.D. Act

Reference No. 231 of 2001

Parties : Employers in relation to the Management
of Topa Colliery of M/s. C.C. Ltd.

AND

Their workmen.

Present : SHRI SARJU PRASAD,
Presiding Officer

Appearances :

For the Employer : None

For the Workman : None

State : Jharkhand Industry : Coal

AWARD

1. By order No. L-20012/407/2001/IR (C-I) dated 23-10-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-sec. (1) and Sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Topa Colliery of M/s. C.C. Ltd. P.O. Topa, Dist. Hazaribagh in not providing employment to the dependent of late Bishundhari Ganjhu is justified? If not, to what relief is the said dependent of the workman concerned entitled?”

2. In this reference case since the year, 2002 neither the sponsoring union nor the concerned workman is appearing either to adduce evidence or to take any step. It, therefore, seems that neither the concerned workman nor the sponsoring union is interested to contest the case.

3. Under such circumstances, I render ‘No Dispute’ Award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 10 अगस्त, 2005

का. आ. 3157.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 23/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/261/1993-आई आर(सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 10th August, 2005

S.O.3157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/95) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 9-8-2005.

[No. L-20012/261/1993-IR (C-I)]

S.S. GUPTA Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A)
of I.D. Act

Reference No. 23 of 1995

Parties : Employers in relation to the Management
of Pindra Colliery of M/s. C.C. Ltd.

AND

Their workmen.

Present :

SHRI SARJU PRASAD,

Presiding Officer

Appearances :

For the Employers : Shri D.K. Verma, Advocate

For the Workman : None

State : Jharkhand Industry : Coal

Dated, the 21st July, 2005.

AWARD

1. By order No. L-20012(261)/93-IR (Coal-I) dated 12-1-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-sec. (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management not to allow resumption of duty to Shri Mahadeo Munda w.e.f. 12-11-1987 is legal and justified? If not, to what relief is the workman entitled to”

2. This reference case is of the year, 1995, but since 24-3-2003 the concerned workman is not appearing to take any further step. If, therefore, appears that the concerned workman is not interested to contest the case.

3. Under such circumstances, I render a ‘No Dispute’ Award in this present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 10 अगस्त, 2005.

का. आ. 3158.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार

भा.को.को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ संख्या 23/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-2005 को प्राप्त हुआ था।

[सं. एल-20012/288/1997-आई आर (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 10th August, 2005

S.O.3158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/98) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-8-2005.

[No. L-20012/288/1997-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A)
of I.D. Act

Reference No. 23 of 1998

Parties : Employers in relation to the Management
of Mohuda Area No. II, M/s. BCCL.

AND

Their workmen.

Present :

SHRI SARJU PRASAD,

Presiding Officer

Appearances :

For the Employer : Shri D.K. Verma, Advocate

For the Workman : None

State : Jharkhand Industry : Coal

Dated, the 22nd July, 2005

AWARD

By Order No. L-20012/288/97-IR (C-I) dated 28-5-98 the Central Government in the Ministry of Labour

has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal :

“Whether the denial to provide light duty to Shri Bhim Mahato by the management of Mohuda Area No. II, M/s. BCCL P.O. Mohuda is justified? If not, to what relief is the workman entitled?”

2. Despite sending notice neither the sponsoring union nor the concerned workman is appearing to take any step. If therefore appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

3. Under such circumstances, I render ‘No Dispute’ Award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 10 अगस्त, 2005

का. आ. 3159.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय (दुर्गाबाद-1) के पंचाट (संदर्भ संख्या 49/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-08-2005 को प्राप्त हुआ था।

[सं. एल-20012/224/1994-आई आर (सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 10th August, 2005

S.O. 3159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 49/95) of the Central Government Industrial Tribunal/Labour Court, Dhanbad—now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-8-2005.

[No. L-20012/224/1994-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act

Reference No. 49 of 1995

Parties : Employers in relation to the Management of Loyabad Colliery under Sijua Area of M/s. BCCL.

AND

Their Workmen

Present :

SHRI SARJU PRASAD : Presiding Officer

APPEARANCES :

For the Employers : Shri D.K. Verma, Advocate

For the Workman : Shri N.G. Arun, Organising Secretary, RCMS.

State : Jharkhand Industry : Coal

Dated, the 29th July, 2005

AWARD

By Order No. L-20012/224/94-IR (Coal-I) dated 6-6-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of management of Loyabad Colliery of M/s. BCCL, Sijua Area in superannuating workman, Smt. Mathuri Chouhan, w.e.f. 1-10-92 is justified? If not to what relief the concerned workman is entitled?”

2. The case of the sponsoring union, in brief, is that Smt. Mathuri Chouhan, the concerned workman, was a permanent employee of Loyabad Colliery from the year 1972 as a Time-rated worker. The concerned workman made an application to the management in the month of May, 1992 objecting recording of her age as incorrect and imaginary and prayed for correct determination of her age.

3. The further case of the sponsoring union is that the Dy. P.M. Sijua Area moved a notesheet pointing out variation of age record of the concerned workman in different registers of the company and the same was forwarded by the G.M. (P) at Headquarters for further necessary action, but no action was taken by the management. As per Implementation Instruction No. 76 of JBCCI in such case the concerned workman should have been referred to Apex Medical Board for determination of her correct age, but the management did not do so and superannuated the concerned workman w.e.f. 1-10-92. Therefore, the action of the management is not justified in superannuating her.

4. The case of the management, in brief, is that Smt. Mathuri was appointed as Wagon Loader at Loyabad Colliery on 10-10-72. Her Identity Card No. is 80364 CMPF Account No. is D/33-257. Her age in Form 'B' of M/s. BCCL has been shown as 40 years as on 10-10-1972. In the Identity Card issued to her date of birth has been mentioned as 1932 which was issued to her just after her appointment as Wagon Loader. She was served with a service excerpt prepared on 23-6-87 and in that also her date of birth has

been mentioned as 1-7-1932. However, her age is not available in CMPF office. Further, according to the management, although she was served service excerpt in which her date of birth has been mentioned as 1-7-1932, but she did not raise any objection and subsequently she has been superannuated on 10-10-1992 on attaining 60 years of age. Therefore, the action of the management is justified. However, the management has admitted the assertion of the sponsoring union regarding initiation of the note-sheet. But according to the management, the same was not approved by the G.M.

5. It appears that during the pendency of the case there was a settlement by Joint Committee for referring the concerned workman to Apex Medical Board for determination of her age, but the original settlement paper was not filed in this tribunal, only the xerox copy has been filed.

6. Although the management has stated that in Form 'B' Register the age of the concerned workman has been mentioned as 40 years as on 10-10-72 which has been marked as Ext. M-1, but it appears that this Form 'B' Register is not the original Form 'B' Register and the same does not bear signature of any official of the management or signature I or L.T.I. of the concerned workman. Thus it appears that the management has not produced original Form 'B' Register nor they have produced the record of CMPF to show the age/date of birth mentioned in the same and in the service excerpt also different date of birth has been mentioned. Therefore, in my opinion, in absence of original Form 'B' Register and Record of CMPF as per Implementation Instruction No. 76 of JBCCI the concerned workman should have been referred to Apex Medical Board. Therefore, the action of the management cannot be justified.

7. In the result, I render following award :—

The action of the management in superannuating the concerned workman w.e.f. 1-10-1992 is not justified. The management is directed to refer her to Apex Medical Board within 30 days from the date of publication of this award and in case the Apex Medical Board finds that she has not attain the age of 60 years on the date of superannuation then she will be entitled for the wages for idle period.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 10 अगस्त, 2005

का. आ. 3160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-I के पंचाट (संदर्भ

संख्या 309/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-08-2005 को प्राप्त हुआ था।

[सं. एल-20012/193/2000-आई आर(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 10th August, 2005

S.O. 3160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 309/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 9-8-2005.

[No. L-20012/193/2000-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A)
of I.D. Act

Reference No. 309 of 2000

PARTIES : Employers in relation to the Management of
Sendra Bansjora Colliery of M/s. B.C.C.Ltd.

AND

Their workmen.

PRESENT :

SHRI SARJU PRASAD, Presiding Officer

APPEARANCES :

For the Employers : Shri D. K. Verma, Advocate

For the Workman : Shri P. R. Shukla,

Authorised Representative

State : Jharkhand

Industry : Coal

Dated, the 28th July, 2005.

AWARD

By Order No. L-20012/193/2000 (C-I) dated 18-10-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10

of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal :

“Whether the action of the management of Sendra Bansjora Colliery of M/s. BCCL, in dismissing the service of Sri Bharat Bhuia, M/Loader, w.e.f. 20-2-99 is justified? If not to what relief is the concerned workman entitled?”

2. The case of the sponsoring union, in brief, is that the concerned workman, Bharat Bhuia was a permanent Miner/Loader at Sendra Bansjora, Colliery. He was found absent from 7-1-95. However, he went to resume duty on 17-4-95, but due to deteriorating mental condition he was not able to join duty. In worst condition he was shifted to Ranchi for treatment of Dr. B.B. Singh, Psychiatrist and mental disease Specialist on 19-5-95. The concerned workman recovered and was declared fit by the physician on 14-4-98 then he reported for duty, but he was not allowed to join duty and instead of that he was issued a chargesheet on 29-6-98 under clause 26.1.1 of the certified Standing Orders of the Company. A departmental enquiry was held and the concerned workman was found guilty by the enquiry officer and thereafter he was dismissed from service. According to the concerned workman, the enquiry was not properly and fairly conducted and since the concerned workman was absent from duty due to a reasonable cause therefore no misconduct as contained in clause 26.1.1 of the Certified Standing Orders has been proved, yet he was illegally held guilty and removed from service. According to him, he is not liable to any punishment.

3. The case of the management, on the other hand, is that the concerned workman was regularly absenting from duty without any rhyme and reason and in past also his record is very poor. In the year 1992 he was present only 128 days, in the year 1993 only 82 days and in the year 1994 only 20 days and thereafter he was absent for more than three years right from 7-1-1995 for which he was issued a chargesheet dated 26/29-6-98. According to the management, a fair and proper enquiry was conducted and on being held by the Enquiry Officer the concerned workman has been dismissed from service. Therefore, his dismissal is justified.

4. The issue relating to fairness and propriety of the domestic enquiry has been taken up as preliminary issue and the same has been held to be fair and proper. Therefore, the matter has been heard under the provision of Sec. 11-A of the I.D. Act and the point to be decided is whether the misconduct has been proved against the concerned workman under clause 26.1.1 of the certified Standing Orders of the company and if so, whether the

5. So far the provision of clause 26.1.1 of the certified Standing Orders of the company is concerned remaining absent unauthorisedly without information and without

reasonable cause is a misconduct. That means if a workman is absent for more reasonable ground then such absence is not misconduct.

The stand of the concerned workman is that he was mentally ill and was under treatment of Psychiatrist and mental disease Specialist at Ranchi and for that reason, he was absent. It appears from the proceeding of the enquiry that he has filed medical certificate. The Enquiry Officer has not given any finding that the said medical certificate is not genuine nor the management has asserted or adduced any evidence to the effect that actually the concerned workman was not mentally ill and the medical certificate filed by him is bogus and manufactured for the purpose of this case. The management has produced document during the domestic enquiry that on earlier occasions the concerned workman was issued chargesheets on different occasions and after giving warning he was allowed to resume duty, therefore he is a habitual absentee from duty. It is, no doubt, that there are materials to show that the concerned workman has been very irregular and irresponsible in doing duty but it should not be forgotten that actually he was suffering from mental illness and that is why he was not in a position to behave like a normal man. Due to mental illness he may be absent for different occasions but all those absents may be misconduct only if two conditions are satisfied that absence is unauthorised and without reasonable cause. In other words, if absence is for certain reasonable cause the same will not be covered in the definition of misconduct as mentioned in clause 26.1.1 of the Certified Standing Orders of the company. Therefore, I find that the finding of the Enquiry Officer that the concerned workman was guilty of misconduct as mentioned in clause 26.1.1 of the Certified Standing Orders is not correct. Therefore, the concerned workman is entitled for reinstatement in service, but so far back wage is concerned he is not entitled for the same because his conduct is such that he remained absent without informing the management and without prior permission from the appropriate authority.

7. In the result, following award is rendered :—

The action of the management of Sendra Bansjora Colliery of M/s. BCCL in dismissing the concerned workman is not justified and the concerned workman is entitled for reinstatement in service, but without back wages. The management is directed to reinstate him in service within 30 days from the date of publication of the award but without any back wages or consequential benefits. The concerned workman must be diligent to duty failing which the management may take appropriate action against the concerned workman.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 10 अगस्त, 2005

का.आ. 3161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एम.सी.एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर (संदर्भ संख्या 2/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-2005 को प्राप्त हुआ था।

[सं. एल-22012/222/2001-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th August, 2005

S.O. 3161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the management of MCL and their workman, received by the Central Government on 10-8-2005.

[No. L-22012/222/2001-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, BHUBANESWAR****PRESENT:**

SHRI N.K.R. MOHAPATRA, Presiding Officer, C.G.I.T.-
cum-Labour Court, Bhubaneswar

Industrial Dispute Case No. 2/2003**Date of Passing Award—17th July, 2005****BETWEEN:**

The Management of the
General Manager, Basundhara Area,
MCL, Bankibahal, P.O. Balinga,
Dist. Sundargarh 1st Party, Management

AND

Their Workman Shri Sidheswar Naik,
PO. Tikilipara Colony (Basundhara Nagar),
Dist. Sundargarh (Orissa),
Sundargarh-770076 ... 2nd Party, Workman

APPEARANCES:

Mr. S.P. Gupta,
Area Personnel Manager, MCL
Shri Sidheswar Naik

For the 1st Party,
Management
For Himself the 2nd
Party, Workman

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-22012/222/2001-IR (CM-II), dated 29-01-2003:

“Whether the action of the Management in terminating the services of Shri Sidheswar Naik with effect from 28-10-2000 who was working as a Caddie in the Basundhara Golf Club under the Management of MCL is legal and justified. If not, to what relief he is entitled to?”

“Whether Shri Sidheswar Naik is justified in demanding regular employment based on his academic qualifications vis-a-vis his services rendered during 1-11-1997 to 28-10-2000 under the Management of Basundhara Area of M.C.L.? If yes, to what relief Shri Sidheswar Naik is entitled?”

2. The workman made a representation to the then Deputy Chief Minister, Orissa for a job in the establishment of the Management. While forwarding it to the Management the Hon'ble Minister recommended for a job befitting the educational qualification of the workman. It is alleged by the workman in the statement of his claim that thereafter he was engaged as a daily rated labour to work as a picker (sorting out the coal pieces according to its sizes) in the Basundhara Area mines of the Management at Basundhara for about a year from 11-11-1997 and thereafter as an ordinary labour for about 10 months in the construction work of roads and buildings and then as a caddie boy in the Gulf Club of the Management at Basundhara Area. As the nature of the above job was not befitting his educational qualification he made several representations both to the Management and other Government authorities for his absorption against a permanent post taking into account his educational qualification and his above experience. He also wrote to various other authorities against the Management and the Gulf Club regarding its mismanagement etc. and ultimately raised an Industrial Dispute when he was refused employment from 18-10-2000. It is claimed by the workman that he being a Commerce Graduate with I.C.S.I. qualification the Management instead of regularizing his service against any befitting permanent post has terminated him from service vindictively and as such the action of the Management should be declared bad and he be allowed to be regularized against any post befitting his educational qualification.

3. As against the above contention the Management of M.C.L. has averred that the workman was never engaged by it either to work as a picker in its Basundhara Area Mines or as an ordinary labour in the construction work of roads and buildings or even as a caddie boy in the Mahanadi Gulf Club at Basundhara. According to the

Management, there is no relationship of employer and employee between the Management and the workman and as such the case is not maintainable against the Management. In so far as the Mahanadi Gulf Club is concerned it is averred that the same is a registered society having no nexus with the establishment of the Management. It has been formed by the employees of the M.C.L. Management for promoting Golf within the state and it runs mainly on grants and contribution of the members of the club. As regards the engagement of the workman in that club is concerned it is further averred that he was temporarily engaged in the club on daily rate basis for a shorter period from July 2000 to Sept. 2000 and he was being paid his wages from out of the fund of that club and that the said club not being a part of the establishment of the Management the workman is not justified to stack his claim against the M.C.L. Management and as such the reference against M.C.L. Management is bad and not maintainable under law.

4. On the basis of the above pleadings of the parties the following issues were framed.

ISSUES

- (i) Whether the reference is maintainable against M.C.L. ?
- (ii) Whether the action of the Management in terminating the services of Shri Sidheswar Naik with effect from 28-10-2000 who was working as a Caddie in the Basundhara Gold Club under the Management of M.C.L. is legal and justified ? If not to what relief the workman is entitled ?
- (iii) Whether Shri Sidheswar Naik is justified in demanding regular employment based on his academic qualifications vis-a-vis his services rendering during 1-11-1997 to 28-10-2000 under the Management of Basundhara area of M.C.L. If yes, to what relief the workman is entitled to ?

Issue No. I and II

5. These issues are taken up together as they are interlinked.

At the very outset it may be stated that the workman has filed no documents of whatsoever nature to prove that the Management had engaged him initially as a picker for a period of one year from 1-11-1997 and thereafter for ten months as an ordinary Labour in its building construction work. Rather one of the representations dated 21-12-1999 of the workman (Ext.-B) which he had made to the Hon'ble Chief Minister of Orissa shows that till such representation was made he was simply working as a Mazdoor under different contractors and as such the workman does not seem to have knocked the door of the Tribunal with a clean hand in so far as his above engagements is concerned.

6. As regards his subsequent engagement as a caddy boy in the Mahanadi Gulf Club at Basundhara area is

concerned the workman has equally filed no documents to prove his above employment under the Gulf Club. He simply says that each month one Shri R.N. Biswas, Dy. Chief Engineer of the Management used to pay his remuneration while working as a caddy boy in the Gulf Club. He is not specific to say for how many months he used to work there till he was refused employment on 28-10-2000. The only material, which is available on record is one letter of the Management, which was given to the conciliation officer. It indicates that the workman was engaged in the Gulf Club as a daily wager for a short period and the evidence of Management shows that the workman had only worked from July 2000 to September, 2000 as a Caddie Boy under the above club. The Management have filed the xerox copy of vouchers of the Gulf Club and its bye-law which are available on record un-exhibited. The bye-law shows that the Gulf Club is operating with the grant received from the Management and with the aid of the contribution made by its members who are mostly the officers of the Management. The business of the club is totally different from the activities of the Management and that is not being centrally managed by the Management. Therefore, the Gulf Club cannot be considered to be a constituent part of the Management's establishment and as such the engagement of the workman under the said club cannot be said to be an employment under the Management.

7. In the evidence the workman has deposed that as a caddie boy he used to dress the ground and carry the sports materials. This itself indicates that he was engaged against casual work and therefore there be no doubt to say that, engagement of the workman was very very Casual. Even if it is presumed otherwise, the engagement of the workman from July to Sept. 2000 can be of no help to hold that he was retrenched. The Mahanadi Gulf Club not being a party to the proceedings no effective order can be passed against him.

Issue No. III

8. Under this issue it has been asked to examine whether on the basis of academic qualification of the workman and the services he has rendered during 1-11-1997 to 28-10-2000, the Management should have provided him a regular employment befitting his educational qualification. It has been deposed by the workman that he is a graduate in Commerce with I.C.S.I. qualification and as such the Management should have accommodated him against a permanent post befitting his above qualification. During trial the workman has admitted that from time to time advertisements were being made by the Management or the recruitment of executive personnel but he had never applied for the same. The documents marked Ext.-C also indicates about such advertisements being made for recruitment of medical officers and Management Trainees. This indicates that recruitment against different executive posts are being held through competitive examination and therefore, when while answering the Issue No. I and II it

has been held that the workman has never worked in the establishment of the Management either as a picker or as a daily labour the Management could under no circumstances would have appointed him against any executive posts by-passing the recruitment procedure on the basis of recommendations made by the then Deputy Chief Minister, Orissa, as claimed by the workman. It is the settled law that persons engaged on casual basis have no right to be absorbed automatically against any posts of higher rank without passing through regular recruitment tests. In view of the same even if it is presumed that the workman had worked under the Management for number of years the Management in violation of its recruitment rules could not have given him regular appointment befitting his educational qualification purely on the basis of the recommendation of the then Dy. Chief Minister, Orissa, when the workman admits to have had never applied to undergo such recruitment test.

9. Accordingly to sum up, all the issues are answered affirmatively in favour of the Management. The workman is not entitled for any relief.

10. Reference is answered accordingly.

Dictated and Corrected by me.

N.K.R. MAHAPATRA, Presiding Officer

नई दिल्ली, 11 अगस्त, 2005

का.आ. 3162.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, यूरेनियम कार्पो. ऑफ इण्डिया लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं. 1 के पंचाट (संदर्भ संख्या 14/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-2005 को प्राप्त हुआ था।

[सं० एल-29011/75/2001-आई आर (विविध)]

बी०एम० डेविड, अवर सचिव

New Delhi, the 11th August, 2005

S.O. 3162.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 1 as shown in the Annexure, in the Industrial Dispute between the management of M/s. Uranium Corporation of India Ltd. and their workmen, received by the Central Government on 11-8-2005.

[No. L-29011/75/2001-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/S. 10(1)(d) (2A) of I.D. Act.

Reference No. 14 of 2002

PARTIES: Employers in relation to the management of
M/s. Uranium Corporation of India Ltd.

AND

Their Workmen.

PRESENT:

SHRI SARJU PRASAD, Presiding Officer.

APPEARANCES:

For the Employers: Shri P.R. Rakhit, Advocate

For the Workman: None

State: Jharkhand

Industry: Uranium

Dated, the 1st August, 2005

AWARD

By Order No. L-29011/75/2001-IR(M) dated 21-1-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

“Whether the action of the management not paying difference of Minimum Wages to the workers of M/s. Hari Construction, Contractor of M/s. UCIL is justified? If not, to what relief the concerned workman is entitled to?”

2. In this case despite notice sent to the concerned workman, even on 27-7-2005 the concerned workman did not appear to take any step. Therefore, it seems that the concerned workman is not interested to contest the case.

3. As such, I render a ‘No Dispute’ Award in the present reference case.

SARJU PRASAD, Presiding Officer.

नई दिल्ली, 11 अगस्त, 2005.

का.आ. 3163.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, यूरेनियम कार्पो. ऑफ इण्डिया लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद नं. 1 के पंचाट (संदर्भ संख्या 282/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-2005 को प्राप्त हुआ था।

[सं० एल-43012/23/2000-आई आर (विविध)]

बी०एम० डेविड, अवर सचिव

New Delhi, the 11th August, 2005

S.O. 3163.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 282/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 1 as shown in the Annexure, in the Industrial Dispute between the management of M/s.

Uranium Corporation of India Ltd. and their workmen, which was received by the Central Government on 11-8-2005.

[No. L-43012/23/2000-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d) (2A) of I.D.
Act, 1947

Reference No. 282 of 2000

PARTIES: Employers in relation to the management of
M/s. Uranium Corporation of India Ltd.

AND

Their Workmen.

PRESENT:

SHRI SARJU PRASAD, Presiding Officer.

APPEARANCES:

For the Employers: Shri P. R. Rakhit, Advocate

For the Workman: None

State: Jharkhand Industry: Uranium

Dated, the 1st August, 2005

AWARD

By Order No. L-43012/23/2000-IR (M) dated 20-9-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of management of UCIL, Jaduguda in fixation of basic pay of Sh. Karmaker and three others is justified? If not, to what relief the concerned workmen are entitled to?"

2. In this reference case despite notice being sent to the sponsoring union, even on 27-7-2005 neither the sponsoring union nor the concerned workman appeared to take any step in this case. It, therefore, seems that neither the sponsoring union nor the concerned workman is interested to contest the case.

3. Under such circumstances I render a 'No Dispute' Award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 11 अगस्त, 2005

का.आ. 3164.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबंध में निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर/119/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-2005 को प्राप्त हुआ था।

[सं० एल-22012/425/1999-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th August, 2005

S.O. 3164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/119/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of SECL and their workmen, which was received by the Central Government on 11-8-2005.

[No. L-22012/425/1999-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/119/2000

PRESENT: Shri C.M. Singh, Presiding Officer

The Secretary,

Janta Mazdoor Sangh (JMS)

Amradani Store Complex,

PO Amlai Colliery,

Distt. Shahdol (MP)

.....Workman/Union

Versus

The General Manager,

Sohagpur Area of SECL,

PO Dhanpuri,

Distt. Shahdol (MP)

.....Management

AWARD

Passed on this 3rd day of August, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/425/99/IR (CM-II) dated 28-6-2000 has referred the following dispute for adjudication by this tribunal:

"Whether the action of the General Manager, Sohagpur Area of SECL, PO Dhanpuri, Distt. Shahdol (MP) in not regularising Shri Saffar Khan as Driver is legal and justified? If not, to what relief the workman is entitled?"

2. After the reference order was received, it was duly registered on 31-7-2000 and notices were issued to the parties to file their respective statements of claim. The order sheet reveals that on 11-6-03 the date fixed in the reference both the parties were represented by their authorised representatives and the workman was directed to file statement of claim on 6-8-03. Thereafter, several dates were fixed for filing statement of claim by workman/union and ultimately on 13-5-05, the date fixed in the reference, the direction was issued to the workman to file statement of claim on 24-5-05. It was mentioned in that order that no more opportunity shall be given

to workman to file statement of claim. In spite of the above direction, no one appeared for the parties on 24-5-2005 the date fixed in the case and it was ordered on the said date that the reference proceeded *ex parte* against the workman. At the same time, the management was directed to file WS by 29-7-2005. But on 29-7-2005 the date fixed in the case no one put in appearance for the parties and ultimately this tribunal left with no option but to close the reference for award.

3. It is very clear from the above that the workman has no interest in the reference and at the same time, the management took no interest in getting the reference decided *ex parte* against the workman/Union. Thus the parties to the reference appear to have no interest in the reference.
4. As mentioned above, as the parties have no interest in the reference therefore. No Dispute Award is passed without any order as to costs.
5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 11 अगस्त, 2005

का.आ. 3165.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ई.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल (संदर्भ संख्या 37/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-2005 को प्राप्त हुआ था।

[सं० एल-22012/99/1991-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th August, 2005

S.O. 3165.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/1991) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 11-8-2005.

[No. L-22012/99/91-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT:

SRIMD. SARFARAZ KHAN, Presiding Officer

Reference No. 37 of 1991

PARTIES:

Agent, Dalmiya Colliery of ECL, Salanpur, Burdwan

Versus

General Secretary, Coal Mines Employees Union,
Dishergarh, Burdwan.

REPRESENTATIVES:

For the Management : Sri P. K. Das, Advocate

For the Union (workman) : None

Industry : COAL State : West Bengal

Dated the 23-06-2005

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/99/91-IR (C-II) dated 06-12-1991 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Dalmiya Colliery under the Agent Bonjemehari Colliery of M/s. E.C. Ltd. PO: Salanpur, Dist. Burdwan in non-paying incentive allowances @ Rs.383 to S/Sri Pareshe Pramanik and others as per list enclosed is justified? If not, to what relief the concerned workmen are entitled to?"

After having received the order of the aforesaid reference from the Ministry of Labour, Govt. of India summons through the registered post were issued to the respective parties and in pursuant to the summons both the parties appeared through their representative and filed their written statement in support of their respective claims.

From the perusal of the record it transpires that up to 1-6-99 both the parties took step in the case on their behalf but they left taking step since 9-7-2002. It further reflects from the order sheets of the records that fresh registered summons were issued to the parties and there after Sri P. K. Das, Advocate appeared on behalf of the management but the notice was not served upon the union and the same was returned with the remark "Not Known" from the postal Department. It is clear that the union has failed to take any interest on its behalf. Several opportunities and adjournments were given to the Union for its appearance but to no effect. In this circumstance it is not advisable to keep this old reference pending any more as no purpose is to be served. As such it is hereby.

ORDERED

That let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Ministry of Labour, Govt. of India for information and needful. The reference is accordingly disposed off.

MD SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 11 अगस्त, 2005

का. आ. 3166—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, सतारा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-05 को प्राप्त हुआ था।

[सं. एल-40012/35/2003-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 11th August, 2005

S.O. 3166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Satara as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Deptt. of Post and their workman, which was received by the Central Government on 11-8-05.

[No. L-40012/35/2003-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SOU. V. N. SATPUTE, PRESIDING OFFICER, LABOUR COURT, SATARA

Reference I.D.A. No. 11/2003

The Superintendent Post Offices,
Department of Posts,
at Satara.

... First Party

Versus

Shri Laxman Namaji Kadam,
R/o Aapti,
Tal. : Jaoli,
Dist. : Satara.

... Second Party

C/o A. A. Kale, 120/B, Yadogopal Peth, Near Machi,
Satara

CORAM:

SOU. V. N. SATPUTE, Presiding Officer, Labour Court, Satara.

Advocates :

(1) Shri M. N. Kulkarni, Advocate for First Party.

(2) Shri A. R. Kalal, & Sou. A. A. Kale, Advocates for Second Party.

JUDGMENT(AWARD)

(Date : 29-07-2005)

The abovesaid reference is sent by Government of India, by its order dated 06-03-2003 for adjudication of dispute between both the parties on the demand of second

party workman Laxman Namaji Kadam that he should be reinstated on his previous post with continuity of services and full back wages.

(2) The case of the second party workman in short is that he joined as A. D. D. with first party on 22-03-1978. One criminal case bearing No. 249/1998 was pending against second party in the Court of Chief Judicial Magistrate, Satara. The said Criminal case was decided on 27-11-2000 and second party was acquitted in the criminal case. Second Party submits that he had not committed any offence. Though he was acquitted in criminal case; still first party did not take any step to allow him to join his duties. Second Party further submits that the action which was taken against him by first party was illegal. As first party did not allow him to join his duties, he made reference to the Government of India. He submits that he has worked with first party continuously for 240 days. Still first party removed him from his services without serving any notice upon him. He was not given any opportunity to defend himself. Therefore, his reference be decided affirmatively and first party be directed to reinstate him with continuity of services and back wages.

(3) First party filed its Written Say at C-14 and denied all the contents of statement of claim of the second party categorically. First party submitted that second party was appointed as Extra Departmental Delivery Agent. He was working on Tetali branch post office since 1978. His job was only to deliver letters, mails to villagers of Tetali branch office. First Party submits that Department of Post is not an Industry and its workers are not workman and so present case does not come under purview of Industrial Disputes Act, 1947.

(4) First Party submits that while performing his duties second party came in contact with depositors of Post Office Recurring Deposit accounts. These depositors in good faith used to hand over the money of monthly instalments of their Recurring Deposit Accounts to second party. Though second party was not authorised to do so. he was regularly collected the amounts from the depositors, but he did not deposited the said amounts in the post office; or credited it in respect of recurring deposit accounts; and utilised the same for his private purpose. He also kept the passbooks of said R. D. Accounts with him and not returned to the respective depositors. He has committed breach of trust of depositors.

(5) First party submits that in this way second party misappropriated amount of R. D. accounts of various depositors to the tune of Rs. 13,975. Disciplinary action was initiated against him and he was kept off duty with effect from 11-08-1997. Criminal case was also lodged against him. Disciplinary case was finalised and second party was removed from services with effect from 27-06-2000. On 27-11-2000 he was acquitted from criminal case.

(6) First party submits that second party was removed from Government's Services as an outcome of the departmental enquiry and not as per the outcome of the Court case. First party further submits that in criminal case also the actual entrustment of money with second party and misappropriation of that money was held proved. Judgment of Court has no impact on departmental enquiry which was already finalised. Further it is submitted that all due amounts are paid to him. Therefore, it is prayed that present reference be rejected.

(7) On the basis of rival contentions, following issues are framed by my Learned Predecessor at Exh. O-15 and I answer them with reasons as follows :

ISSUES	FINDINGS
(1) Whether Reference is legally maintainable ?	'Yes'
(2) Does the second party prove that termination of his services with effect from 26-09-2000 is illegal and improper ?	'No'
(3) Whether the second party is entitled for reinstatement with continuity and full back wages ?	'No'
(4) What Order ?	As per final order.

REASONS FOR FINDINGS

ISSUE No. 1 :

(8) In present case second party Laxman Namji Kadam examined himself on affidavit at U-18. In his evidence he has supported all the contents of his Statement of Claim. He submitted that though he was acquitted in the criminal case bearing no. 249/1998; which was filed against him; still first party has not reinstated him in their services. The decision of Criminal Court was declared on 27-II-2000. He approached Labour Enforcement Officer, Sangli. He adduced evidence in conciliation proceeding; still he was not reinstated. Further he submits that he has worked for 240 days continuously; he was not served with a notice; he was not given an opportunity to defend himself. He has deprived of natural justice. He denied Written Say of first party.

(9) Though ample opportunity was given none on behalf of first party appeared in the Court or cross-examined the witness.

(10) First party in their Written Say raised objection that post office or Department of Post is not an 'Industry' and the employees of post are not workman. This was held by Hon'ble Supreme Court in its judgement dated

02-02-1996 in Civil Appeal No. 3385/86 and 2431/94 arising out of SLP (C) No. 587-588/1990—92. Though first party has taken this objection; it has not filed on record the copy of judgment of Hon'ble Supreme Court cited above. It is the contention of first party that as Department of Post is not an Industry, hence, present application i.e. reference is not maintainable.

(11) Conciliation proceeding is not filed before Court and therefore it is not possible to find out whether this objection was raised before conciliation officer or not.

(12) Now the question is whether Department of Post is an Industry within the meaning of definition U/S. 2(j) of Industrial Disputes Act. For that purpose we have to see the functions carried out by Department of Post. In case of Bangalore Water Supply & Sewerage Board V/s. A. Rajappa and others; declared in Civil Appeal Nos. 753-754(T) of 1975; the triple test of whether an organisation is an Industry or not is laid down. Industry is defined as Section 2(j) of Industrial Disputes Act, 1947 and explained in D. N. Banerji V/s. P. R. Mukherji has a wide import.

- (a) Where (i) systematic activity, (ii) organised by co-operation between employer and employee, the direct and substantial element is commercial, (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes not spiritual or religious but inclusive of material things or services geared to celestial bliss i.e. making, on a large scale, or prasad or (food), prima facie, there is an 'Industry' in that enterprise.
- (b) All organised activity possessing the triple elements mentioned above although, not trade or business, may still be 'Industry' provided the nature of activity i.e. employer-employee basis, bears resemblance to what we found in trade and business; Even any Department discharging sovereign functions if they have units which are Industries and they are substantially severable then they can be considered to come within Section 2(j) of the Act.

(13) As we all know inland letters, postal tickets are sold in post office. Post office conducts different savings schemes such as Kisan Vikas Patra, National Savings Certificate. In these schemes Postal Department works as agent of Finance Department of Central Government. Post Office gets commission at different rates on different schemes. Post Office charges on money order. All these functions are done systematically with cooperation of employees. It provides service to meet the needs of public at large. The said activities are like commercial activities. They can not be termed as sovereign functions of Central Government. As far as the activities of Post Office are concerned, they fulfil the triple test laid down in its

landmark judgment cited supra. Therefore, post office is an Industry within the meaning of Section 2(j) of Industrial Disputes Act, 1947 and second party is its employee and therefore, reference made to this Court is maintainable. Accordingly, I answer Issue No. 1 in affirmative.

ISSUE No. 2 :

(14) If we peruse the statement of claim of second party and his oral evidence we find that second party is trying to show that his services were terminated by first party as criminal case was pending against him. It is his grievance that though he was acquitted in the criminal case still first party did not reinstated him in the service. If we peruse Written Say of first party; first party clearly mentioned that as second party was involved in misappropriation of amounts of various depositors; departmental action under Rule 8 of EDA's (Conduct & Service) Rules, 1964 was initiated against him and second party was kept off duty with effect from 11-08-1997. It is further stated that the services of second party were terminated on 27-06-2000 and the judgment of Criminal Court in which second party was acquitted was declared on 27-11-2000 and thus second party was removed from services before the judgment of Criminal Court was declared. It is submitted by first party that the removal of second party from services is result of his Departmental Enquiry and not the outcome of Court Case.

(15) Second party has stated in his oral evidence as well as in his statement of claim that he was acquitted from Criminal Court on 27-11-2000. But it is really very surprising that second party has not uttered a single sentence about Departmental Enquiry conducted against him. He has not denied Departmental Enquiry conducted against him in his evidence. He has not denied specifically anywhere in his evidence about the averment made by first party in their Written Say. It is also pertinent to note that second party has nowhere mentioned the date of termination of his services. Further he has not filed on record order of termination of his services; though it was possible for him. He has tried to show that he was removed from services due to criminal proceeding lodged against. But nowhere he has mentioned anything about Departmental Enquiry conducted against him. He has not denied the date of his termination of services mentioned by first party in their Written Say. Thus it is clear that second party has not come before this Forum with clean hands. He has suppressed many material things from this Court.

(16) In his oral evidence merely stated that first party has illegally removed him from his services. Further he has not adduced any evidence to show what illegality is committed by first party while removing him from his services. He is absolutely silent on this point. Therefore, I think that termination of his services is direct result of Departmental Enquiry conducted against him and not due to the criminal proceeding filed against him. Second party could not prove with sufficient evidence that the

termination of services is illegal or improper. Therefore, I answer issue no. 2 in negative.

ISSUE No. 3 :

(17) It is the contention of the second party that as Criminal Court has declared him innocent and discharged from the offences of misappropriation; first party should reinstate him in their service. He has filed on record the judgment in Criminal Case No. 249/1993 wherein he was charged with the charge of misappropriation. It is true that he was acquitted in that criminal case. Further, if we go through judgment; we find that Criminal Court held that, 'Second Party is guilty for misappropriation' and observed accused did not deposit the amounts in the post office. He did not make entries thereof in the passbook and thus accused misappropriated the amount which was entrusted to him by account holders in good faith. However, in that case prosecution could not prove that he was handed over the amounts by the depositors while he was working as public servant or agent and thus prosecution could not prove all ingredients of Section 409 of I. P. C. Act. On that ground, he was acquitted. In that case Criminal Court has further observed that 'offence U/s. 406 of I. P. C. Act could be attracted in that case but as he was not charge-sheeted under that section he was not held liable for punishment under that section.'

(18) Thus after perusing the judgment of Criminal Court, it becomes very clear that accused has committed criminal breach of trust of the account holder who had given him amounts in good faith.

(19) The most important question which arises now is that whether the acquittal of any employee in criminal case can have bearing on decision of dismissal taken by management ? There are some fundamental differences between criminal trial and disciplinary proceeding. In criminal trial the charges are to be proved beyond all reasonable doubts; whereas in the domestic enquiry there is to be preponderance of probabilities while appreciating the evidence and to come to the conclusion whether the workman is guilty or not. The scope of departmental enquiry is very wide. The Apex Court in case of M. Paul Anthony (Capt.) V/s. Bharat Gold Mines Ltd. & Another: reported in 1999 I CLR 1032 (S. C.) has very clearly made the legal position as follows, "Proceeding in a criminal case and departmental proceeding can proceed simultaneously with a little exception. As we understand, the basis for this proposition is that proceedings in a criminal case and the departmental proceedings operate in distinct and different jurisdictional areas. In the departmental proceeding where a charge relating to the misconduct is being investigated, the factors operating in the mind of Disciplinary Authority may be many such as enforcement of discipline or to investigate the level of integrity of the delinquent or the other staff, the standard of proof required in those proceeding is also different

than that required in a criminal case. While in departmental proceeding the standard of proof is one of preponderance of probabilities, in a criminal case, the charge has to be proved beyond reasonable doubts. The little exception may be where the departmental proceedings and the criminal case are based on the same set of facts and the evidence in both the proceedings is common without there being a variance. 'In order to ensure that the conclusion of enquiry officer finding a workman guilty is not to be disturbed despite an acquittal in a criminal trial'.

(20) In case of Najir Ahmed V/s. Government of Andhra Pradesh; Reported in 2001 LIC 3380; it was observed that, 'It is now well settled that criminal proceeding and departmental proceeding stand on different footings. Only because an order of acquittal is passed the same by itself can not be a ground for quashing departmental proceeding. The standard of proof required in both the proceeding is absolutely different'.

(21) In another case Ishwari Prasad V/s. Reserve Bank of India; reported in 2001 III CLR 1083; it was observed that, 'Punishment in disciplinary proceeding after acquittal in criminal case is not illegal. The object of two proceeding, the standard of proof required are different. In spite of acquittal in criminal case, departmental proceeding and disciplinary action can remain unaffected. Supreme Court has laid down in several judgments that order of discharged in criminal case would not in any manner affect the legitimacy of disciplinary proceeding or the conclusions which are arrived in the course thereof.'

(22) From the Written Say of first party it appears that the services of second party were terminated on the ground of misappropriation. We have also seen that criminal court observed that second party accepted various amount from various account holder to be deposited in their recurring deposit accounts but actually he did not deposit them in post office nor made it's entries in the passbook. Criminal court has held this charge as proved. It is observed by Hon'ble Supreme Court in Janata Bazar (South Kanara Central Co-op. Wholesale Stores Ltd.) Etc. V/s. Secretary, Sahakari Nukarara Sangha etc.; reported in 2001 (1) Bombay C. C. 92 (S. C.) that, 'Apparently, it would be an unjustified direction to reinstate an employee against whom charge of misappropriation is established. A proved act of misappropriation can not be taken lightly even though number of such misappropriation cases remain undisclosed and such employees or others amass wealth by such means. In any case, misappropriation cannot be rewarded or legalised by reinstatement in service with full or part of back wages.'

(23) In present case though second party was acquitted from criminal case on technical point even Criminal Court held that he has misappropriated the amount of R. D. account holders. Keeping in view the various case laws discussed above, I think that second party is

not entitled for reinstatement with continuity and full back wages as prayed by him. Accordingly, I answer issue no. 3 in negative and proceed to pass following order.

ORDER

The abovesaid reference is hereby answered in negative.

Date : 30-07-2005

Satara

V. N. SATPUTE, Presiding Officer

नई दिल्ली, 11 अगस्त, 2005

का. आ. 3167—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, अजमेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-05 को प्राप्त हुआ था।

[सं. एल-40011/8/2002-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 11th August, 2005

S.O. 3167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Ajmer as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of Deptt. of Post and their workmen, which was received by the Central Government on 11-8-05.

[No. L-40011/8/2002-IR(DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठासीन अधिकारी : श्री जी. एस. शेखावत, आर एच जे एस

प्रकरण संख्या : सी आई टी आर 10/2002

[रेफरेंस नं. एल-40011/8/2002-आई आर (डी यू)]

दिनांक 3-9-2002]

श्रीमती पार्वती देवी पत्नी स्व. श्री मदनसिंह राणावत जरिये श्री एल. एल. खरेरा, केन्द्रीय सहायक सचिव ऑल इंडिया एस. सी. एस. टी. एम्प्लॉईज एसोसिएशन, 2018 हजारो बाग, अजमेर ... प्रार्थी

बनाम

वरिष्ठ प्रवर अधीक्षक, पोस्ट ऑफिस अजमेर मंडल, अजमेर ... अप्रार्थी

उपस्थित :

श्री चंदनसिंह, विद्वान अधिवक्ता, प्रार्थी।

श्री जफर अहमद, विद्वान अधिवक्ता, अप्रार्थी।

दिनांक : 12-7-2005

निर्णय/अवार्ड

भारत सरकार ने आदेश दि. 3-9-2000 द्वारा निम्न विवाद न्याय निर्णयन हेतु इस न्यायालय को प्रस्तुत किया :

“Whether the applicant Smt. Parvati Devi, W/o Late Shri Madan Singh Ranwat or her son Shri Jaswant Singh in denying the appointment on compassionate ground by the management of Sr. Suptd. of Post Office, Ajmer is just and legal? If not, to what relief the applicant is entitled?”

नोटिस के उपरांत उभयपक्ष उपस्थित आये। प्रार्थिया ने अपना क्लेम और प्रतिपक्षी ने उसका उत्तर प्रस्तुत किया है। तदुपरांत प्रतिपक्षी ने धारा 9 सिविल प्रक्रिया संहिता के अंतर्गत 25-1-2005 को इस आशय का प्रार्थना पत्र प्रस्तुत किया कि पोस्ट ऑफिस कार्य की संप्रभुता के कर्तव्य के अधीन कार्यरत होने से उद्योग नहीं है। अतः इस न्यायाधिकरण को श्रवणाधिकार नहीं है और इस प्रकार क्लेम निरस्त करने की प्रार्थना की है। प्रार्थी श्रमिका ने अपने उत्तर में इसका खंडन किया है।

उक्त प्रार्थना पत्र पर भयपक्ष का श्रवण किया। पत्रावली का अवलोकन किया। ए. आई. आर. 1995 सुप्रीम कोर्ट 2001 में प्रतिपादित सिद्धांत के अनुसार न्यायालय के क्षेत्राधिकार का बिंदु किसी भी स्टेज पर उठाया और निर्णय किया जा सकता है। ए. आई. आर. 1996 सुप्रीम कोर्ट 1271 में निम्न प्रकार सिद्धांत प्रतिपादित किया है :

“Having regard to the contentions the question arises whether the appellant is an Industry? India as a sovereign socialist, secular democratic republic has to establish an egalitarian social order under rule of law. The welfare measures partake the character of sovereign functions and the traditional duty to maintain Law & Order is no longer the concept of the State directing principles of state policy enjoin on the state diverse duties under the part for of the Constitution and the performance of the duties are constitutional functions. One of the duties of the state is to provide telecommunication service to the general public and amenity, and so is one essential part of the sovereign functions of the state as a welfare state. It is not, therefore, an Industry.

इस प्रकार माननीय उच्चतम न्यायालय ने उक्त दृष्टांत में यह सुचारू रूप से प्रतिपादित कर दिया है कि पोस्ट एंड टेलीकम्युनिकेशन विभाग सामान्य जनता की सुविधा उपलब्ध करवाने के कारण कल्याणकारी राज्य के रूप में संप्रभू कर्तव्यों का निष्पादन करता है। अतः वह उद्योग की श्रेणी में नहीं आता। जब प्रतिपक्षी उद्योग की श्रेणी में ही नहीं आता

तो औद्योगिक विवाद अधिनियम के प्रावधान इस प्रकरण में लागू नहीं होते हैं और इस न्यायालय को श्रवणाधिकार नहीं है।

आदेश

फलतः उक्त विवाद का उत्तर इस प्रकार से दिया जाता है कि पोस्ट एंड टेलीकम्युनिकेशन विभाग ए. आई. आर. 1996 सुप्रीम कोर्ट 1271 के दृष्टांतों में प्रतिपादित सिद्धांतों के अनुसार कल्याणकारी राज्य के रूप में आम-जनता को सुविधा उपलब्ध करने के कारण, संप्रभू कर्तव्य में आता है। अतः उद्योग की श्रेणी में नहीं आता है। अतः इस न्यायाधिकरण को उक्त विवाद का श्रवणाधिकार नहीं है।

जी. एस. शेखावत, न्यायाधीश

नई दिल्ली, 11 अगस्त, 2005

का. आ. 3168—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं 157/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-8-05 को प्राप्त हुआ था।

[सं. एल-12012/181/91-आई आर (बी-11)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 11th August, 2005

S.O. 3168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 157/91) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of UCO Bank and their workman, which was received by the Central Government on 11-8-05.

[No. L-12012/181/91-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/157/91

Shri C. M. Singh, Presiding Officer

Shri Dhaniram Rajak,
S/o Shri Dayaram Rajak,
Gangamai Santar, Morar,
Gwalior (M. P.).

... Workman

Versus

The Divisional Manager,
UCO Bank, Sarafa Bazar,
Lushkar, Gwalior.

... Management

AWARD

Passed on this 28th day of July, 2005

The Government of India, Ministry of Labour vide its Notification No. L-12012/181/91-IR (B-II) dated 19-9-91 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of UCO Bank in terminating the services of Shri Dhaniram Rajak, S/o Shri Dayaram Rajak is justified? If not, to what relief is the workman entitled?”

2. Applicant Shri Dhaniram Rajak's case in brief is as follows. That he belongs to a poor family and is a member of backward caste Rajak (Dhobi). He is qualified upto middle class. His name was registered in the employment exchange, Gwalior. When he came to know that some class IV posts were lying vacant in the UCO Bank, he submitted an application to Birla Nagar branch of UCO Bank. The management without giving any written appointment order engaged him on daily rate of wages for performing the duties of the peon. He was paid by vouchers. He worked about 18-19 months in the UCO Bank. He worked continuously from 10th July, 1989 to 30th April, 1990. Thus he worked for more than 240 days in the above period. His services were illegally terminated by the new Branch Manager Shri Goyal by verbal order w.e.f. 30th April, 1990. He was neither given one month's prior notice in writing indicating the reasons for retrenchment nor he has been paid in lieu of such notice, wages for the period of notice. He was not paid any compensation at the time of retrenchment. Thus the verbal order of his termination is a clear violation of Sec-25-F of the I. D. Act, 1947. It is also averred by the applicant that the Branch Manager, Birla Nagar after terminating his services engaged 2 daily rated employees namely Shri Bharat Srivastava and Shri Kayum Khan for different periods. That the applicant submitted representation to Branch Manager Goyal who gave assurance to the applicant but he has not been reinstated. It is prayed by the applicant that the action of the management of UCO Bank terminating his services be held unjustified and directions be issued to reinstate him in services with back wages. He also prayed that the cost be awarded to him.

3. The management of UCO Bank, Gwalior contested the reference and filed their written statement wherein they have denied the averments made by the applicant Shri Dhaniram Rajak. The management has taken preliminary objection in their written statement that the application is misconceived and is not maintainable as the applicant Shri Rajak has no right on seeking the relief claimed. The provisions of I. D. Act, 1947 are not applicable in this case. It is specifically pleaded that even assuming, though not admitting, the applicant's contention that he was employed casually as stop gap arrangements for a

few days not in accordance with the recruitment rules in that case too if the recruitment is not in accordance with the service rules, the applicant does not become entitle to regularisation or to benefits of regular appointment particularly when there is no vacancy available for appointment. The management's case in brief is as follows. It is specifically denied that the applicant worked from 10th July, 1989 to 30th April, 1990. It is also denied that the applicant worked for 9 months or 240 days or more as averred by the applicant. It is further denied that the applicant's services were terminated by verbal order w.e.f. 30th April, 1990 by New Branch Manager Shri Goyal. The New Branch Manager Shri N. C. Goyal joined the branch in September 1990 and therefore he could not terminate services of the applicant on 30th April, 1990. The applicant has filed illegible xerox copies of only 2 vouchers dated 16-9-83 and 22-3-90 of Rs. 40 and Rs. 24 respectively towards labour charges. These vouchers do not show that the applicant was continuously employed for 240 days or more. It is denied by the management that there was any legal necessity of giving one month's prior notice, salary in lieu thereof or discharge certificate and therefore there was no violation of Sec. 25-F of the I. D. Act, 1947. Sarva Shri Bharat Srivastava and Kayum Khan were electricians. They were occasionally engaged for maintenance of electrical system at the branch office. It is denied in the Written Statement by the management that no illegality has been committed by the Bank and it is specifically pleaded that the applicant is not entitled to any relief whatsoever.

4. Applicant Shri Dhaniram Rajak in support of his case examined himself as WW-I, Shri Gopal WW-II and Shri Rambabu WW-III. The management for defending the reference examined Shri E. K. Mishra MW-I the then Assistant Manager, UCO Bank, Birla Nagar Branch, Gwalior.

5. Both the parties have filed documents in support of their case which shall be referred in the body of this award at the appropriate places.

6. I could not have an opportunity of hearing the argument of the learned counsel for applicant Shri Dhaniram Rajak as no one was present for the applicant on the date of hearing. I have heard Shri M. R. Chandra, Advocate the learned counsel for the management.

7. The parties have filed written arguments. I have very carefully gone through the written argument of both the parties.

8. I have very carefully gone through the entire evidence on record.

9. The case of the applicant is that the management engaged him on daily rate wages for performing the duties of a peon. That he continuously worked for more than 240 days as such. That he was engaged by the management

without giving any written order. It is denied by the management that applicant Shri Dhaniram Rajak worked continuously for 240 days or more with the management. There is not a single word in the written argument of the applicant to indicate as to how and by what evidence, the applicant's case is proved that he was in the continuous employment of the management for 240 days or more. It has come in the written argument of the applicant that the management has not submitted complete record of applicant's working days and the photostat copies of each voucher and the vouchers of payment made to the applicant do not correctly show the working days of the workman and thus the management has failed to demonstrate its claim that the applicant has not worked for 240 days during his service period. The learned counsel for the management submitted that it was for the applicant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. In this respect, the learned counsel for the management placed reliance on 2002 Supreme Court Cases (L & S) 367 in the case of Range Forest Officer versus S. T. Hadimani with State of Karnataka and another versus S. T. Hadimani. I have very carefully gone through the law cited above. It has been held therein that it was the case of the claimant that he had worked for more than 240 days in the year preceding his termination but this claim was denied by the appellant. That it was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. In the case at hand, it has come in the evidence of applicant Dhaniram Rajak-WW-I that he was appointed by verbal order on daily rate of wages w.e.f. 10th July 1989 and was allowed to work till 30th April 1990. That he was paid wages by vouchers for different periods and he continuously worked from 10th July, 1989 to 30th April 1990. He did not depose a word in his evidence of cross-examination on what post he was appointed and what was his nature of work in the office of management. On being cross-examined, this witness deposed that he had moved an application seeking service of peon on 13-4-89 and he was given service of waterman, this evidence of applicant Dhaniram Rajak WW-I is contrary to his averment made in the statement of claim wherein it is averred that without giving any written appointment order, the applicant was engaged on daily rate of wages for performing the duties of peon. During the course of evidence of his cross-examination this witness deposed that he used to provide drinking water, fill the coolers and used to do cleaning work. That he was used to be paid Rs. 15 or Rs. 24 per day through vouchers. He further deposed that he worked till 30th April, 1990 and during the said period, he was ceased to work once or twice. It clearly means that the oral evidence of the applicant Shri Dhaniram Rajak WW. I to the effect that he was appointed as peon in the office of the management and he continuously worked as such w.e.f. 10th day of July 1989 to 30th day of April 1990 for more than 240 days, does not

inspire confidence. His witnesses Shri Gopal WW-II and Shri Rambabu WW-III appear to be highly interested witnesses in him. They are not or they were not employees of the same branch of UCO Bank where the applicant claims to be employed as peon. Shri Gopal WW-II deposed that he was appointed in Hanuman Bhandar Canteen-JC Mills on 25-2-80 and there he served till April 1995. Shri Rambabu WW. III deposed that he was employed in the new power house department of JC Mills on 27-4-78 and remained employed there till the closure of JC Mills. On being cross-examined, Shri Gopal WW-II admitted that he knows applicant Dhaniram Rajak for the past 30-40 years. Shri Rambabu WW-III deposed during the evidence of his cross-examination that applicant Dhaniram Rajak resides in his Mohalla. Both the above named witnesses admitted during their cross-examination that they were brought to this tribunal for deposing as witnesses by applicant Dhaniram Rajak on his expenses. The averment made in the statement of claim by applicant Shri Dhaniram Rajak is that he worked in UCO Bank continuously from 10th July, 1989 to 30th April, 1990 but the applicant's witness Shri Gopal WW-II in this respect deposed in his affidavit that he saw Shri Dhaniram Rajak continuously working from 13th April, 1989 to 30th April, 1990. This deposition of the witness is not in consonance with the above averment made by the applicant in his statement of claim. Further this witness deposed in his evidence of cross examination that Shri Dhaniram Rajak had told him that he was working in the UCO Bank on monthly salary. This evidence of the witness is against the averment made by the applicant in his statement of claim that he was engaged by the management on daily rate of wages. Applicant's witness Shri Gopal WW-II and Shri Ram Babu WW-III deposed that they had their accounts in the UCO Bank, Birla Nagar branch, Gwalior and whenever they used to visit the Bank for operating their account, they saw applicant Shri Dhaniram Rajak working in the said Bank. Shri Rambabu WW-III deposed during his evidence of cross-examination that he used to meet the applicant once or twice in a month in the Bank. Likewise Shri Gopal WW-II in his evidence of cross-examination deposed that he used to go to UCO Bank once in a month for depositing his savings. Both these witnesses did not depose a word as to on what post, the applicant was employed in the Bank. The above discussed evidence of two witnesses of applicant does not inspire confidence and is insufficient to prove that the applicant continuously worked in the UCO Bank for 240 days because according to their own evidence, they used to visit the Bank for operating their account. Thus the entire oral evidence adduced by the applicant falls short for proving his case that he continuously worked in the UCO Bank for 240 days or more.

10. The applicant has filed photostat copies of 2 vouchers of UCO Bank, one is dt. 16-9-89 and the other is

dated 22-3-90 to show that he received daily rate of wages from the Bank through vouchers. These photostat copies of vouchers have not been proved in accordance with law of evidence and therefore they cannot be read in evidence. Even if only for the sake of argument it is assumed that those copy of vouchers may be read in evidence, in that case too, they are of no help in proving the fact that the applicant worked in the Bank continuously for 240 days or more. Thus the applicant has utterly failed to prove his case that he was in the continuous service of the Bank for not less than 1 year or for not less than 240 days in the preceding year of his termination from service.

11. Against the above the case of management is that even if it is assumed only for the sake of argument that applicant Dhaniram Rajak was employed on daily rate of wages as stop-gap arrangement for a few days, in that case too his employment was not according to rules and until the recruitment is made in accordance with the service rules, the applicant does not become entitle to regularisation or the benefit of regular appointment particularly when there was no vacancy available for appointment. Shri B. K. Mishra, MW-I, the then Assistant Manager of UCO Bank, deposed that Shri Dhaniram Rajak was engaged as a labour on daily wage basis from time to time between the periods from 16-9-89 to 22-3-90 according to time to time need and exigencies of his service in the Bank. That his disengagement from 22-3-90 was due to end and want to work in the Bank. It is further deposed by this witness that the applicant was not engaged against any post or vacancy in subordinate cadre and during the period of his engagement and disengagement, there was no vacant post. That his job was not of a regular nature in the Bank, his service was hired by the Bank Manager from the open market on pick and choose basis and for such engagement neither any application was called for nor the applicant submitted any application. The witness further added that the applicant worked in Birla Nagar Branch of UCO Bank for 87 days. This witness has been cross-examined at length by the learned counsel for the applicant. Nothing has come in his entire evidence which may indicate that he has not deposed truthfully; rather his testimony inspires confidence and is true worthy.

12. There is a photostat copy of Policy and Procedures to be adopted for recruitment to the subordinate posts in the Bank bearing seal of the UCO Bank, Birla Nagar Branch, Gwalior on record of this reference. The policy and procedure to be adopted for recruitment of subordinate cadre is mentioned therein. It is clear from the perusal of the said document and the evidence of parties on record that the applicant was not recruited according to rules of service. It has been submitted by the learned counsel for the management that the applicant was not recruited according to service rules, therefore, he is not entitled to regularisation or the benefit of regular appointment particularly when there was no

vacancy available. In this respect the learned counsel for the management placed reliance on 2004(9)/SRJ 103 Supreme Court of India in the case of Pankaj Gupta and Ors. etc. *versus* State of Jammu and Kashmir and Ors. and 1997 Supreme Court Cases (L&S) 1079 in the case of Himanshu Kumar Vidyarthi and Others *versus* State of Bihar and Others.

The following was held in the law cited 2004(9) SRJ-103 above :

“No person illegally appointed or appointed without following the procedure prescribed under the law, is entitled to claim that he should be continued in service.”

And the following was held in 1997 Supreme Court Cases L & S 1079, the law cited above :

“Every department of the Government cannot be treated to be industry. When the appointments are regulated by the statutory rules, the concept of industry to that extent stands excluded. The petitioners were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. Their disengagement from service cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of retrenchment therefore cannot be stretched to such an extent as to cover these employees. Since the petitioners are only daily wage employees and have no right to the posts, their disengagement is not arbitrary.”

In the case at hand, the applicant has failed to prove by cogent evidence, the nature of work done by the applicant, the designation of post held by him and the hours of duty he performed. The applicant has also failed to prove that any vacancy was existing on the date of his engagement in service, the notification of vacancy if any was made to the employment exchange by the management, his name was sponsored by the employment exchange and he was called for any test or interview. Under the circumstances, even if it is assumed for the sake of argument only that the applicant was employed in the Bank, in that case too, according to law cited above, because he was not legally appointed and was appointed without following the procedure prescribed for under the service rules, therefore, he is not entitled to claim that he should continue in service.

13. It has come in the written argument filed on behalf of applicant that the provisions of Section 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 were not complied with by the management and therefore the oral order of the management of terminating his service from 30-4-90 is *void-ab-initio*. The applicant has failed to prove that he continuously worked for 240 days or more therefore it was

not obligatory on the part of the management to comply with the provisions of Sec. 25-F of the Industrial Disputes Act, 1947.

14. The learned counsel for the management submitted that there had been no violation of provisions of Section 25-G and 25-H of the Industrial Disputes Act, 1947 for the reason that Shri Bharat Srivastava and Shri Kayum Khan were engaged like the applicant for repair and maintenance of electric installations of the Bank during its extreme need and they too were disengaged on completion of need. Moreover they belong to separate category being technical hands to which category applicant Shri Dhaniram does not belong. As per deposition of Shri B. K. Mishra MW-I Shri Bharat Srivastava and Shri Kayum Khan were also engaged like applicant Shri Dhaniram Rajak on maintenance and repair of electrical installations in the Bank during extreme need. But the evidence of the applicant Shri Dhaniram Rajak WW-I is quite silent on the point as to for what purpose Shri Bharat Srivastava and Shri Kayum Khan were engaged by the Bank. But the witness has admitted that both the above named persons were engaged by the Bank prior to him. In view of the above evidence given by Applicant Shri Dhaniram Rajak WW-I the provisions of Section 25-G and 25-H are not applicable in this case.

15. For the reasons given above, it is concluded that the action of the management of UCO Bank in terminating the service of Shri Dhaniram Rajak, S/o Shri Dayaram Rajak is justified and the workman is not entitled to any relief. The reference is, therefore, decided accordingly in favour of management and against the workman Shri Dhaniram Rajak. The parties shall bear their own costs of this reference.

16. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3169—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-87/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-2005 को प्राप्त हुआ था।

[सं. एल-12012/454/2001-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (I. D. No. 87/2002) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of State Bank of India and their workmen, which was received by the Central Government on 12-8-2005.

[No. L-12012/454/2001-IR(B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

I. D. No. 87/2002

Shri R. N. Rai, Presiding Officer

In the matter of :

Shri Netra Pal,
House No. 5, Village, Jamrudhpur,
Kailash Colony,
Opp. Lady Sri Ram College,
New Delhi-110048.

Versus

The Regional Manager,
State Bank of India,
Region-III,
Parliament Street,
New Delhi-110001

AWARD

The Ministry of Labour by its letter No. L-12012/454/2001-IR(B-I), Central Government dt. 24/31-10-2002 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of State Bank of India in terminating the services of Shri Netra Pal, Ex. Messenger by treating him to have voluntarily retired from service w.e.f. 23-07-1994 is just, fair and legal? If not, what relief he is entitled to and from which date."

The workman applicant has filed statement of claim. In the statement of claim it has been stated that the workman was serving in the post of Messenger with effect from 28-09-1985. Copy of appointment letter is placed as Annexure-A1 with this statement. That the workman's services were confirmed as messenger with effect from 31st March, 1986. Copy of confirmation letter is placed as Annexure-B with this statement.

That the workman fell sick on 26th March, 1993 and could not attend his duties, but he has sent his medical

certificates from qualified Doctor of Mehta Nursing Home and Surgical Centre, C-3176, Janakpuri, New Delhi. Copy of the Medical Certificate and UPC are placed as Annexure-C (Collectively).

That on slight recovery of workman, a fitness certificate was given by the Doctor and workman reported for duties to Branch Manager, SBI, Palam Colony, New Delhi on 21-09-1994 but he was informed by the Manager that his services have been terminated taking his absence into consideration that the workman has voluntarily retired from service. Copy of the letter showing the workman has retired voluntarily is placed as Annexure-D with this statement.

That neither any domestic inquiry was held nor any opportunity was given to workman to put his defence. The medical/sickness of the workman were not taken into consideration without second medical or giving reason for not accepting the same. Thus the workman has been denied natural law of justice and has been dismissed from service arbitrarily. This amounts to forcible dismissal and that too without any proper inquiry and without affording opportunities in such a major punishment.

That the workman has suffered the following losses due to alleged dismissal and he submits the following statement of claim :

- (a) Reinstatement in service with full back wages.
- (b) Salary (Pay & Allowance) from 01-03-1993 till date about nine years at the rate of Rs. ... amounting to Rs.
- (c) Increment about Rs.
- (d) Promotion as per his counterparties.
- (e) Interest on amount due from the date of illegal dismissal till payment.

The management has filed written statement. In the written statement it has been stated that the claim of the claimant does not disclose any cause of action for challenging to the action of the management in treating the workman as voluntarily retire under Clause 17 of the 5th BPS dated 10-04-1989. The claim is therefore, liable to be dismissed. That the claim is barred by delay and laches. The workman was voluntarily retired from the Bank's service w.e.f. 23-08-1994. The workman acquiesced in the order for 8 years. Having accepted his terminal benefits accruing on his voluntary retirement he is estopped from turning around and challenging the same after a lapse of more than 8 years. Hence the petition is liable to be dismissed.

That there is no employer-employee relationship between the applicant and the answering respondent after his voluntary cessation of service from the bank. Hence, there cannot be any industrial dispute in the matter. The

petition is liable to be dismissed on this ground. The claimant has voluntarily retired from the service of the Bank in accordance with Clause 17 of the BPS dated 10-04-1989. The petitioner at the relevant time had no intention of joining the duties and has voluntarily ceased his job. But now after a gap of more than eight years the claimant had come up with a plea of sickness. In fact, the claimant never sent any application to the Bank for grant of leave to him.

The terms of service conditions of employees in State Bank of India are covered by Sastry Award, Desai Award and BPS entered into between the management of the bank and All India State Bank of India Staff Federation. Para 17 of the 5th BPS dated 10-04-1989 provides as under :

"When an employee absents himself from work for a period of 90 or more consecutive days without submitting any application for leave or for its extension or without any leave to his credit or beyond the period of leave sanctioned originally/ subsequently or when there is satisfactory evidence that he has taken up employment in India or when the management is reasonably satisfied that he has no intention of joining duties. The management may at any time thereafter give a notice to the employee at his last known address calling upon him to report for duty within 30 days of the date of notice. Stating inter alia, the grounds for coming to the conclusion that the employee has no intention of joining duties, the employees will be deemed to have voluntarily retired from Bank's service on the expiry of the said notice. In the event of the employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within 30 days from the date of the expiry of the aforesaid notice without prejudice to the Bank's right to take any action under the law of rules of service."

The claimant started absenting himself from duty w.e.f. 26-03-1993. The Branch vide its letters dated 23-04-1993 asked the petitioner to report for duty at the Branch, but he failed to attend duty in response to the aforesaid letters (photocopy enclosed marked as Annexure-I). After that, vide its letter dated 05-03-1994, the Branch wrote to the petitioner to report for duty within 30 days of receipt of said notice and in case he fails to do so, he shall be deemed to have been voluntarily retired from the service on the expiry of the said notice. In the month of May 1994, the petitioner sent two medical certificates from 01-04-1994 to 30-04-1994 and 1st May, 1994 to 15th May, 1994 issued by one Dr. R. K. Jethani, RMP, however no leave application was sent with it. Again in the month of June, 1994, two medical certificates from 16th May, 1994 to 30th May, 1994 and 31st May, 1994 to 14th June, 1994 issued by Dr. R. K. Jethani, RMP was received by the

Bank. However, no leave application was sent by the claimant. Not satisfied on the medical certificates, the claimant was called to appear before Medical Board on 08-07-1994 vide Branch Letter No. 94/29 dated 28-06-1994 as per his service conditions. However, the claimant voluntarily abstained from appearing before Medical Board. The petitioner was served with a notice vide Branch Memo No. 94/42 dated 23-07-1994 calling upon him to report for duty within 30 days of the date of notice as per his service conditions. However, the claimant failed to report for duty within 30 days of receipt of notice and did not give any explanation for his unauthorized absence. Accordingly, vide its registered notice dated 07-09-1994 the appointing authority i.e., the respondent no. 1 wrote to the claimant that as he has failed to report for duty in response to earlier notices of the branch dated 23-07-1994 within 30 days, so it was deemed that he has voluntarily retired from the service of the Bank w.e.f. 23-08-1994. From this, it can be observed that the employee was first asked to report for duty without delay and when he continued to absent himself from work for a period of more than 90 days consecutively, then he was asked to report for duty within 30 days of notice as per the above mentioned terms of service conditions. When he failed to report for duty within the aforesaid period, then he was deemed to have voluntarily retired from the service of the Bank. It clearly shows that the Bank has taken all the steps and followed the principles of natural justice. It also clearly established that the claimant at the material time had no intention of joining the duties and the story put forward by him is completely a concocted version.

It is denied for want of knowledge that the workman fell ill on 26-03-1993. However, reply given hereinabove in para 4 of the Preliminary Objections is reiterated. It is submitted that the claimant never submitted the medical certificates to the answering respondent which he has filed with the claim in the Court.

Vide memo dated 23-07-1994 the workman was called upon to report for duties or give satisfactory explanation to his unauthorized absence within 30 days of the notice. The workman neither reported for duties nor gave any explanations for his unauthorized absence, within the period specified in the memo dated 23-07-1994. Accordingly as per his service conditions as given in Clause 17 of the BPS dated 10-04-1989, he was deemed to have voluntarily retired from the Bank's service w.e.f. 23-08-1994. The same was duly communicated to him vide letter dated 07-09-1994.

The contents of Para 5 are wrong and denied. In reply to the reply given in the Preliminary Objections is reiterated. Further, there is absolutely no need of any inquiry in such type of cases where the claimant has himself voluntarily ceased of his services as per his service conditions prevailing at the material time and principles of natural justice is inherent in the memo dated 23-07-1994

and full opportunity was granted to the workman to report for duties within the period specified as per his service conditions. The claimant neither reported for duties nor gave any explanation for his unauthorized absence, within the period specified in the memo dated 23-07-1994. The claimant cannot be allowed premium over his deliberate acts of omissions/commissions. Further, it is wrong to state that the claimant had ever been dismissed from the Bank's services; rather the claimant has himself voluntarily ceased of his services as per his service conditions prevalent at the material time. It is also wrong and denied that the claimant suffered any kind of losses as stated.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement. The workman applicant has filed affidavit. The management was present on 02-08-2004, 21-09-2004, 22-11-2005 and 23-12-2004 but thereafter none turned up for cross examination of the workman applicant. On 13-01-2005 cross of the workman applicant was closed in the absence of the management and the case was posted for argument. None turned up from the side of the management even on the date of argument so ex-parte argument of the workman applicant was heard.

It was submitted from the side of the workman applicant that he was serving in the post of Messenger w.e.f. 28-09-1985. Copy of the appointment letter has been annexed. His services were confirmed on 31-03-1986. He fell sick on 26th March, 1993 and could not attend his duties but he sent medical certificate from qualified Doctor of Mehta Nursing Home and Surgical Center.

It was further submitted that on recovery the workman approached the management for duties but the Branch Manager, SBI, Palam Colony, New Delhi told him that his services have been terminated in view of his absence on 21-09-1994. The workman applicant has filed affidavit in support of his claim statement and the management has not filed any affidavit so the affidavit of the workman applicant will prevail and the order of voluntary retirement is unjust and unfair.

The workman applicant is a manual worker. He has not disclosed in his statement of claim as to how he earned his livelihood. He has not disclosed any source of income. He has filed this ID case after seven years so there is delay and laches on the part of the workman applicant so he is entitled to get 50% back wages only.

The reference is replied thus :

The action of the management of State Bank of India in terminating the services of Shri Netra Pal, Ex. Messenger by treating him to have voluntarily retired from service w.e.f. 23-07-1994 is neither just nor fair nor legal. The workman deserves to be reinstated w.e.f. 23-07-1994 with 50% back wages. The management is directed to reinstate him with 50% back wages within two months of the

publication of the award. In case of default the workman applicant will be entitled to an interest of 6% on his entire back wages as mentioned above.

The Award is given accordingly.

Date: 10-08-2005.

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3170—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अमेरिकन एक्सप्रेस बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-74/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-2005 को प्राप्त हुआ था।

[सं. एल-12012/17/2004-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I. D. No. 74/2004) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of American Express Bank Ltd., and their workman, which was received by the Central Government on 12-8-2005.

[No. L-12012/17/2004-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI

I. D. No. 74/2004

Shri R. N. Rai, Presiding Officer

In the matter of:

Sh. Parmar Bahadur Thapa,
S/o. Sh. Tek Bahadur Thapa,
C/o. Janvadi General Kamgar Mazdoor Union,
E-26, Raja Bazar (Old Qtrs.),
Baba Kharak Singh Marg.,
New Delhi.

Versus

The Chief Manager,
American Express Bank Ltd.,
Enkay Centre, A, A-I & A-II,
Udyog Vihar, Phase-V,
Gurgaon-122106.

AWARD

The Ministry of Labour by its letter No. L-12012/17/2004 [IR(B-I)], Central Government dt. 13-05-2004 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of American Express Bank Limited, Gurgaon in terminating the services of Shri Parmar Bahadur Thapa, S/o Shri Tek Bahadur Thapa w.e.f. 15-05-2003 without any notice/notice pay/retrenchment compensation etc. is just and legal ? If not, to what relief the workman is entitled to ?"

Notice has been sent to both the parties but the workman applicant did not turn up. He has not filed claim statement.

The reference is replied thus :

The action of the management of American Express Bank Limited, Gurgaon in terminating the services of Shri Parmar Bahadur Thapa, S/o Shri Tek Bahadur Thapa w.e.f. 15-05-2003 without any notice/notice pay/retrenchment compensation etc. is just and legal.

No dispute award is given.

Date: 09-08-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3171—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, नासिक के पंचाट (संदर्भ संख्या आई डी ए-25/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-08-2005 को प्राप्त हुआ था।

[सं. एल-12012/538/98-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (IDA No. 25/1999) of the Labour Court, Nashik now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 12-08-2005.

[No. L-12012/538/98-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SMT. C. A. NATHANI, PRESIDING
OFFICER, LABOUR COURT, NASHIK**

Reference (IDA) No. 25/1999

Between

The Regional Manager,
State Bank of India, Region-V,
East Street, Pune-411001 ... First Party/employer

And

Shri Shashikant Vittal Wade
R/o Gosavi Chawl, Room No. 5,
Upnagar, Nashik-422006 ... Second Party/workman

AWARD

28-6-2005

This is a reference sent to this Court by the Ministry of Labour, Govt. of India under Sec. 10 of the I.D. Act for adjudication of the dispute over the demand of workman for reinstatement with continuity of service and full back wages.

2. The workman filed statement of claim Ex. U-2. The first party/employer filed written statement Ex. C-1.

3. Thereafter my Id. predecessor framed issues at Ex. O-6. However, the second party failed to adduce any evidence. I have gone through the documents on record. The documents are xerox copies and not sufficient to grant reinstatement with continuity of service or back wages to the second party. Hence, I hold that the second party is not entitled to any reinstatement or back wages. Hence, the reference requires to be rejected. Hence, I pass the following order.

ORDER

1. The reference stands rejected. The second party workman is not entitled to any relief including reinstatement with continuity of service and back wages.

2. The award be sent for publication to the concerned authority.

Nashik SMT. C. A. NATHANI, Presiding Officer
Date : 28-6-2005

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3172—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अमेरिकन एक्सप्रेस बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकांश सं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-73/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-08-2005 को प्राप्त हुआ था।

[सं. एल-12012/19/2004-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3172.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D.No. 73/2004) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of American Express Bank Ltd. and their workmen, which was received by the Central Government on 12-08-2005.

[No. L-12012/19/2004-IR (B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

R. N. Rai, Presiding Officer

I.D. No. 73/2004

In the matter of :

Sh. Pratap Singh,
S/o Sh. Khem Singh,
C/o Janvadi General Kamgar Mazdoor Union,
E-26, Raja Bazar (Old Qtrs.),
Baba Kharak Singh Marg,
New Delhi.

VERSUS

The Chief Manager,
American Express Bank Ltd.,
Enkay Centre, A, A-I & A-II,
Udyog Vihar, Phase-V,
Gurgaon-122 106

AWARD

The Ministry of Labour by its letter No. L-12012/19/2004-IR (B-1) Central Government dt. 13-05-2004 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of American Express Bank Limited, Gurgaon in terminating the services of Shri Pratap Singh S/o Shri Khem Singh w.e.f. 28-03-2003 without any notice/notice pay/ retrenchment compensation etc. is just and legal? If not, to what relief the workman is entitled to?”

Notice has been sent to both the parties but the workman applicant did not turn up. He has not filed claim statement.

The reference is replied thus :—

The action of the management of American Express Bank Limited, Gurgaon in terminating the services of

Shri Pratap Singh, S/o. Shri Khem Singh w.e.f. 28-03-2003 without any notice/notice pay/retrenchment compensation etc. is just and legal.

No dispute award is given.

Date : 08-08-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3173—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 7/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-08-2005 को प्राप्त हुआ था।

[सं. एल-12012/277/1999-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 12th August, 2005

S.O. 3173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, as shown in the Annexure, in the Industrial Dispute between the management of Punjab National Bank and their workmen, which was received by the Central Government on 12-08-2005.

[No. L-12012/277/1999-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer

I.D. No. 7/2000

IN THE MATTER OF:

Shri Neeraj Kumar,
S/o Shri Ram Kishan,
R/o 50-B, Vakil Road, New Mandi,
Muzaffarnagar.

Versus

Punjab National Bank,
The Chief Manager,
PNB, New Mandi Branch,
Muzaffarnagar.

AWARD

The Ministry of Labour by its letter No. L-12012/277/99-IR (B-II) Central Government dt. 02-02-2000 has

referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Punjab National Bank, Muzaffarnagar, in terminating the services of Shri Neeraj Kumar, Water Boy/Peon w.e.f. 12-04-1999 is legal and justified? If not, what relief the workman is entitled and from which date?”

The workman applicant has filed statement of claim. In the statement of claim, it has been stated that the workman applicant was appointed in Punjab National Bank, New Mandi, Muzaffarnagar on 01-08-1998 on the post of water boy but the applicant mostly performed the duties of peon i.e. to collect the papers of currency chest from R.M. Office, T.R.O. from city branch PNB, Cash collected from Dena Bank, Search of DD Counterfoil from Office, Head Office, Paper and other bank paper, ledgers etc.

That the applicant rendered uninterrupted service from 01-08-1998 to 11-04-1999. But the opposite party employer terminated his services on 12-04-1999 by oral order.

That before terminating services of the workman, the employer did not comply with the provisions of Section 25-N of the ID Act, 1947. The employer did not give any notice or notice pay in lieu of notice, retrenchment compensation. No charge sheet was given nor any domestic inquiry was conducted and opportunity of hearing was not granted and principles of natural justice were violated.

That the workman has performed his duties in the bank for more than 240 days and has been in the service of bank since 01-08-1998 to 11-04-1999. His service comes in the category of continuity of service and the workman has acquired the status of permanent worker. That as per Grade of IVth Class Worker his salary was Rs. 2700 per month (Basic + DA). But he was paid Rs. 500 per month till February 1999 and for March 1999 Rs. 770 per month and after this period wages has not been paid inspite of demand.

That the worker issued registered AD Notice dated 19-05-1999 to the employer and requested to take him on duty with back wages with continuity of service and also made personal request but gave reply notice on 25-05-1999 on false facts.

That as the applicant/worker has performed duties for 240 days continuously illegal termination of service by oral order is unfair labour practice.

That the opposite party admits the post of worker as water boy in monthly wages payment slips.

That the oral termination order dated 12-04-1999 of opposite party is illegal and ab initio void.

That the applicant is the worker and the opposite party is its employer. Termination is illegal and ab initio void and industrial dispute exists in between the parties.

The management has filed written statement. In the written it has been stated that the alleged dispute is not industrial dispute in terms of sec. 2 (k) of the Industrial Disputes Act, 1947 as the applicant Shri Neeraj Kumar is not a workman in terms of sec. 2(s) of the Industrial Dispute Act, 1947. He was not appointed by the Bank nor the employer-employee relationship exists between the respondent bank and the applicant as such the claim of the applicant is not maintainable.

That the applicant Shri Neeraj Kumar was working at the tea-stall of Shri Rejender Kumar who used to supply tea among others, to the staff working in the branch at New Mandi, Muzaffar Nagar. During this period he was engaged for filling of water of the said branch for which the labour charges were paid to him at the agreed rates out of the discretionary powers vested in the branch manager to incur expenses on such like miscellaneous matters like electricity repairs and maintenance, water arrangements for staff and customers, sanitation work etc. whereas the employees of the bank are paid wages out of the "Establishment Expenses". Hence, the applicant never assumed the status of a employee nor he was paid any wages by the respondent bank. Moreover such persons are excluded from the operation of the Desai Award.

That the applicant was not employed by the respondent bank, the question of termination of services of the applicant does not arise nor the provisions of retrenchment u/s. 2 (oo) of the Industrial Disputes, Act, 1947 are attracted in the case. As such the conditions precedent to retrenchment of workman employed as laid down u/s 25-N of Industrial Disputes Act, 1947 are not required to be observed. Hence the claim of the applicant is not maintainable.

That the application has been filed by Shri Neeraj Kumar u/s. 10 of the industrial Disputes Act, 1947 which is not maintainable before this Hon'ble Authority as the applicant was not a workman within the meaning of Sec. 2(s) of the Industrial Disputes Act, 1947.

That the applicant has also filed a case before Labour Court, U.P., Meerut under the U.P. Industrial Dispute Act, 1947, on the similar grounds. The adjudication proceedings have already commenced in the case but the applicant has concealed this fact before this Hon'ble Authority.

It is stated that since the applicant was never appointed by the respondent Bank as water boy nor there is any post of water boy in the Bank. It is denied that Shri Neeraj Kumar ever performed the duties of peon as alleged or otherwise.

It is stated that since the applicant was not employed by the Bank, the question of violation of Sec 25-N of

Industrial Disputes Act, 1947 or the principles of natural justice does not arise.

The applicant has not been paid any wages by the respondent bank. However, he has been paid only labour charges at the contracted rate of Rs. 500 per month from August 1998 to January 1999 from out of the miscellaneous charges under the discretionary powers of the Branch Manager. Hence, the applicant is not entitled to any wages for this period as there was no employer-employee relationship between the Bank and Shri Neeraj Kumar.

It is stated that the applicant has not served in the Bank as a workman as such the question of continuity of service or termination thereof does not arise. Hence, there is no unfair labour practice in the case.

It is stated that the Branch Managers have been delegated discretionary powers to incur expenses of casual and contractual nature such as electricity repairs, sanitation, arrangement for filling of water etc. Shri Neeraj Kumar was also paid out of labour charges out of this head for making arrangement of water. Hence, it is not admitted that Shri Neeraj Kumar was appointed by the Bank as water boy.

The applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and as asserted that he has worked continuously for more than 240 days at the post of Water Boy/Peon. His service was terminated on 12-04-1999.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

The applicant has rendered continuous service of 240 days so he is a workman in view of AIR 1986 SC 458. It was submitted that the entire wages have not been paid to him and he was being paid Rs. 500 per month initially and thereafter Rs. 750. His termination is illegal and void ab initio. He has not been paid one month's notice and compensation so Section 25F of the ID Act, 1947 is attracted.

It was submitted from the side of the management that the workman was engaged for filling water of the said Branch for which the labour charge were paid to him at the agreed rates out of the discretionary powers vested in the Branch Manager to incur expenses on such like miscellaneous matters like electricity repairs and maintenance, water arrangements for staff and customers, sanitation work etc. The employees of the bank are paid out of the establishment expenses. He was not employed by the respondent bank so the question of payment of compensation does not arise. He was not a workman under Section 2 (s) of the ID Act, 1947. He has filed an application in Labour Court (U.P.).

It has been admitted by the management that he has been paid only labour charges at the contracted rate of Rs. 500 per month from August, 1998 to January, 1999. It was submitted from the side of the workman that the management witness has admitted in quite categorical terms that Shri Neeraj Kumar has worked from 01-08-1998 to 11-04-1999. The management has also admitted in written statement that he has worked from August, 1998 to January, 1999 so there is contradiction in the written statement and the admission of the management witness regarding the work of the workman applicant. It has been admitted by the management that he started to work in August, 1998 and the case of the workman is also that he worked from 1st August, 1998 to 11-04-1999.

In view of the clear cut admission of the management witness it is proven fact that the workman has worked for more than 240 days so Section 25 F of the ID Act is attracted. It has been also admitted by the management that he was not given any notice or notice pay in lieu of notice and retrenchment compensation. In case he has worked for more than 240 days it was obligatory for the management to give him one month's notice or pay in lieu thereof and retrenchment compensation in view of Para-24 of the Desai Award. Even if a workman works for six months he is entitled to get retrenchment compensation. The management has admitted that he worked from 01-08-1998 to 11-04-1999 but no retrenchment compensation has been paid to the workman. The case of the workman is that he performed the duties of water boy as well as peon. The case of the management is that he was only water boy and served water to the employees of the Bank and customers of the Bank. In case it is admitted that he has worked in the Bank continuously for more than 240 days, Section 25 F of the ID Act, 1947 is attracted as the Bank is doubtless an industry and in view of the Desai Award he should have been given retrenchment compensation. Admittedly the management has not given retrenchment compensation.

It was further submitted from the side of the management that he was not posted as per recruitment rules. His name was not sponsored by Employment Exchange. For regular recruitment it is necessary that the name of the workman should be sponsored from the Employment Exchange. So far as sponsoring from the Employment Exchange is concerned it is the duty of the Bank to follow the procedure. Even for temporary appointments the names invariably should be sponsored by the Employment Exchange. The management cannot make the recruitment rules a shield for illegal termination of the services of the workman. In case he has not been appointed as per the recruitment rules the management should have paid him retrenchment compensation in view of Section 25 F of the ID Act, 1947. The recruitment rules cannot be both shield and sword. The service of the workman applicant doubtless has been terminated illegally

and without following the procedure as prescribed in Section 25 F of the ID Act, 1947.

The management is a state in view of Article 12 of Indian Constitution. The concept of rule of law would lose its vitality if the instrumentalities of the State are not charged with the duty of discharging their functions in a fair and just manner. The management should have acted justly and fairly and not arbitrarily or capriciously. Section 25 F of the ID Act, 1947 is attracted in the facts and circumstances of the present case and it is settled law that if Section 25 F of the ID Act, 1947 is applicable the workman is to be reinstated.

As far as back wages are concerned the workman applicant has admitted that he performed the work of a water boy as well as peon so he is an unskilled workman and in his claim statement he has not disclosed as to what was the source of his subsistence. He should have clarified how he sustained his livelihood during the period of unemployment as such he is entitled to be reinstated with 20% of his back wages.

The reference is replied thus :—

The action of the management of Punjab National Bank, Muzaffar Nagar, in terminating the services of Shri Neeraj Kumar, Water Boy/Peon w.e.f. 12-04-1999 is neither legal nor justified. The management/respondent is directed to reinstate the workman with continuity of service along with 20% back wages within two months from the date of the publication of the Award. In case of default the workman will be entitled to get 12% interest on the entire back wages mentioned above.

The Award is given accordingly.

Date : 08-08-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3174—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 20/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-08-2005 को प्राप्त हुआ था।

[सं. एल-12011/37/1995-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 12th August, 2005

S.O. 3174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/97) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to

the management of Bank of Baroda and their workmen, which was received by the Central Government on 12-08-2005.

[No. L-12011/37/1995-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE SHRI SANT SINGH BAL, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
NEW DELHI**

I.D. No. 20/1997

In the matter of dispute between :

Shri Kesar Singh S/o Avtar Singh
Shri Jitender Kumar S/o Gabri Lal
Shri Vimal Kumar S/o Dala Chand
Shri Soran Singh S/o Shiv Charan Singh

... Workman

Versus

Assistant General Manager,
Bank of Baroda,
Anchal Karyalaya,
16, Sansad Marg,
New Delhi-110001

... Management

APPEARANCES None for the workmen.

Shri T. C. Gupta for the management

AWARD

The Central Govt. in the Ministry of Labour vide its Order No. L-12011/37/95-I.R. (B-II) dated 7-1-97 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Bank of Baroda in terminating the services of Shri Kesar Singh S/o Avtar Singh, Jitender Kumar S/o Gabrielal, Vimal Kumar S/o Dala Chand and Soran Singh S/o Shiv Charan Singh w.e.f. 1-8-93, 4-7-93, 15-8-94 and 9-4-93 respectively is just and fair ? If not, to what relief the concerned workmen are entitled to ?”

2. After issue of notice the workmen filed claim statement claiming reinstatement with full back wages.

3. The management filed written statement denying the claim of the workman stating that the workmen are not entitled to the relief claimed.

4. The workmen filed rejoinder in which they reiterated their claim statement and denied the facts of the written statement.

5. Perusal of the record shows that in the instant case the workmen are not appearing since last so many hearings. Shri R. L. Virmani A/R for the workmen appeared on 8-12-2000 and since then numerous opportunities were granted for workman affidavit but none appeared and the

case was ultimately fixed for evidence of the workmen by way of affidavit vide order dated 21-8-2000 but it appears that none appeared on behalf of the workmen nor filed affidavit in evidence on behalf of the workmen despite several opportunities till today. Workmen were also sent notice for filing evidence vide order dated 24-6-04 but none appeared on behalf of the workmen despite such notices. It appears that the workmen are not interested in prosecution of their case. Hence it would be appropriate to pass No Dispute Award in this case. Hence No Dispute Award is passed in this case. File be consigned to record room.

Date : 02-08-2005

SANT SINGH BAL, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3175—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 43/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-08-2005 को प्राप्त हुआ था।

[सं. एल-12012/296/1999-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 12th August, 2005

S.O. 3175.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 43/2000 of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial dispute between the management of Allahabad Bank and their workmen, which was received by the Central Government on 12-08-2005.

[No. L-12012/296/1999-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
LUCKNOW**

PRESENT

Shrikant Shukla, Presiding Officer

I.D. No. 43/2000

Ref. No. L-12012/296/99/IR (B-II) dated : 25-5-2000

BETWEEN

Sh. Liyakat Ali, S/o Sh. Kudraatulla
832/551, C. Rajapur, Allahabad

AND

The Dy. General Manager,
Allahabad Bank

Takshal Talkies, Nadesar, Allahabad (U.P.)

AWARD

The Government of India, Ministry of Labour vide their Order No. L-12012/296/99-IR (B-II) dated 25-5-2000 has referred following dispute for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Lucknow for adjudication :

“Whether the action of the management of Allahabad Bank, Allahabad in terminating the services of Shri Liyakat Ali, w.e.f. 15-11-1998 is justified? If not, what relief the workman is entitled for?”

The worker's allegation is that he was appointed by Branch Manager of Allahabad Bank, Main Branch (Near High Court) 22, P.D. Tandon, Allahabad as driver by oral order in October, 1993 and he was not given any appointment letter. He was driving the vehicle No. UMH 4914 at the salary of Rs. 2600 per month and he continued working as such but when the worker demanded the parity in the salary with the regular employer he was dismissed on 15-11-98 by oral order. He continued running to the employers but they simply gave assurance but did not take him back on the work. Ultimately the worker on 12-4-99 send the demand letter to the employers who did not reply the letter. The worker filed the dispute before ALC (C), Allahabad and on 25-5-2000 the Government of India referred the issue for adjudication. It is further alleged that the worker continuously worked w.e.f. 1993 till his termination. Thus, he worked for 240 days every year. The worker has also alleged that employer did not observe the provisions of Section 25 F of Industrial Disputes Act, 1947 nor paid any retrenchment compensation, nor gave any chargesheet nor any departmental enquiry was conducted. The worker therefore prayed that the termination order dated 15-11-98 be set aside and the worker be order to have been continued in service. He has further prayed that employer should be asked to pay the consequential benefits.

The worker has filed the rejoinder and has stated that he was paid salary on vouchers and log book of the vehicle which was driven by the worker is in custody of the opposite party.

The Chief Manager of the Allahabad Bank, Varanasi has filed the written statement, disputing the claim of the worker. The bank's case is that Sh. Liyakat Ali was never employed by the opposite party bank and therefore no appointment letter of any sort was ever issued to him. It is also alleged that opposite party bank had never paid any salary to the worker. Since the worker was never in the service of the bank therefore there was no question to termination of his services. So far as allegation of demand letter is concerned the same has been admitted by the bank. It is further stated by the bank that it is one of the Public Sector organisations of Govt. of India, in which post of Class-IV employees, like a car driver are filled

according to mandatory provisions of Employment Exchange (compulsory Notification of vacancies) Act, 1959 and guidelines issued by Govt. of India from time to time. According to these provision, names of suitable candidates are called for from Employment Exchange, who in turn sponsor such names. Recruitment is made from amongst such candidates. Thereafter appointment letters are given subject to furnishings of medical fitness certificate. Thus, oral employment is not contemplated in opposite party bank. Hence, the allegation of the worker that he was orally employed by the bank, is far from truth. The worker has not alleged as to who used to pay salary to him. There is nothing on record of the bank to show that concerned worker was ever paid salary by the bank. The alleged date of termination is fictitious. Vehicle No. UMH-4914, belonging to the opposite party bank was given to Chief Manager for the personal use, for which according to rules he was authorised to engaged driver in his individual capacity and for which he was entitled for reimbursement of salary to such driver. As a matter of fact, this vehicle was rendered beyond running condition on 23-2-1998 when Sh. B. Chatterjee, Chief Manager, took over charge in which it remained in same condition. From this, it is obvious that the concerned worker would not have been driving this vehicle in those months. Afterwards, he was not on duty in those days, as such there could not be any occasion for oral termination of his services on 15-11-1998. As vehicle No. UMH-4914 was in the personal use of Chief Manager, it is probable that in terms of bank policy, he would have engaged concerned worker as personal driver. If it is so, the concerned worker would be personal servant of Chief Manager, and not of the bank. In such a case, there could be no privity of contract between the opposite party bank and the concerned worker. Further, opposite party bank would have no control and direction over the worker. The dispute between the personal servant of the officer of the bank and the opposite party bank according to law is not an industrial dispute, this reference is band in law.

The worker did not file any document along with his statement of claim. On the other hand the opposite party bank has filed the Xerox copy of payment vouchers from 30-1-93 to 2-11-98, total 38 vouchers.

The opposite party has also filed photo state copy of letter No. CLA/Admn./59 dated 27-1-2000 addressed to the Dy. General Manager of the bank by the Chief Manager of the bank.

The opposite party has filed some vouchers totalling 39 from 27-3-1993 to 20-9-1996. The bank has also filed following documents :

1. Xerox copy of Bank's Circular Staff No. 23/23/1264 dtd. 30-12-1980 [Allahabad Bank (Officers) Service Regulations, 1979].

2. Xerox copy of Head Office IOM No. Admn/6/F-27/3259 dtd. 4-9-1995, addressed to the General Manager (U.P.), all Zonal Head/Executives of Head Office by the Chief Manager (PA), Head Officer, regarding Personal Driver.

3. Original Bill of Royal Motor Garage Dt. 20-9-96, regarding vehicle No. UMH-4914.

The worker has filed photostat copy of 3 bills of Royal Motor Garage. One of the bills does not contain any date. Other bills are dated 30-12-96 and 31-12-96. The worker has filed affidavit in support of his case and opposite party has filed two affidavits of Sh. B.D. Chatterjee, Chief Manager and Sh. Panch Dev Upadhyaya, Sr. Manager (Operation). The worker has been cross-examined by the representative of the opposite party and Sh. B.D. Chatterjee and Sh. Panch Dev Upadhyaya have been cross-examined by the representative of the worker.

On the date of argument the representative of the opposite party filed the written argument, a copy of which was delivered to the representative of the worker. Worker too filed his written argument in reply to management's argument.

Heard worker's representative and perused the evidence on record.

First of all it has to be decided whether the worker was appointed by the opposite party to run its vehicle as alleged by the worker in his statement of claim.

There is no appointment letter to prove that worker was appointed. It is also not proved that the worker was recruited by adopting regular procedure of recruitment.

The worker has admitted in the cross-examination that he was not given any appointment letter or termination letter.

The worker has not mentioned the actual date of his engagement in the bank.

The worker has admitted that vehicle No. UMH-4914 belonged to the bank, which was used by the Chief Manager. The worker has denied that he was paid by the Chief Manager, instead he has stated that he has paid by the bank.

The worker has also stated in his cross-examination that his name was not sponsored by the employment exchange. He simply said that he was kept by the Chief Manager, Sh. Parsada Rao. The worker was suggested that he was driver of Chief Manager, but the worker denied in cross-examination and stated that he was driver of the bank.

Sh. B. D. Chatterjee, the Chief Manager of the Allahabad Bank has stated in his affidavit that "According to circular of Allahabad Bank, a Chief Manager is provided

with a car for personal use with the option either to drive the car himself or to engage personal driver for which he was to be reimbursed by the bank." No question had been asked by the representative of the worker on the above statement.

Sh. Panch Dev Upadhyaya, Sr. Manager (Operation) of the Allahabad Bank in para 2 to 7 of his affidavit has stated as under :

"2. That Shri P. V. V. Prasada Rao had remained posted as Chief Manager at Allahabad Bank, Main Branch, Civil Lines, Allahabad from January, 1993 to June, 1994.

3. That Shri P. V. V. Prasada Rao was provided with car No. UMH-4914 for his personal use in terms of circular issued by Head Office of the opposite party bank.

4. That Shri Rao had engaged the concerned workman as personal driver and he used to pay salary to the concerned workman in his individual capacity for which he was reimbursed by the Bank in terms of the circular aforesaid.

5. That after the transfer of Shri P. V. V. Parsada Rao, Shri R. S. Srivastava was posted as Chief Manager at Main Branch, Civil Lines, Allahabad from July, 1994 to January, 1998.

6. That the concerned workman contacted Shri R. S. Srivastava and had agreed to work on the same terms and conditions under which he had worked with Shri Rao.

7. That there was no relationship of master and servant between the opposite party bank and the concerned workman. The opposite party bank had no authority either to discharge or disengage the concerned workman nor had any authority to punish him. Thus, the opposite party bank had no control or direction over the concerned workman."

Sh. P. D. Upadhyaya has been cross-examined by the representative of the worker. His cross-examination is as under :

"1. लियाकत अली मेरे कार्यकाल में बैंक में कर्मचारी नहीं थे। लेकिन लियाकत अली मुख्य प्रबंधक पी. वी. वी. प्रसादराव के निजी ड्राइवर थे तथा उसके बाद वे मुख्य प्रबंधक आर. एस. श्रीवास्तव के निजी ड्राइवर थे।

2. चूँकि ये मुख्य प्रबंधक के निजी ड्राइवर थे अतः मैंने लियाकत अली को बैंक के कार्य से कभी कहीं नहीं भेजा।

3. इन्द्रजीत भी कभी बैंक के ड्राइवर नहीं थे। न ही कभी बैंक द्वारा इन्द्रजीत व लियाकत को भुगतान किया गया। मैं इन्द्रजीत व उसके पिता का नाम इत्यादि नहीं जानता।

4. यह कहना गलत है कि लियाकत 15 नवम्बर सन् 98 से बैंक के ड्राईवर थे। यह भी कहना गलत है कि हमने झूठा शपथ पत्र दिया। यह भी कहना गलत है कि हमने कभी लियाकत अली को निकाला।”

From the documentary evidence and the oral evidence it is proved that the Chief Manager is provided with a car for personal use with the option either to drive the car himself or to engage personal driver for which he was to be reimbursed by the bank.

Xerox copy of the payment vouchers of the bank dtd. 30-1-93, 27-2-93, 30-8-93, 30-11-93 are the vouchers for payment of Rs. 1250 in the name of Sh. Parsada Rao being driver's salary. This goes to show that Sh. Parsada Rao received payment against above vouchers as reimbursement for driver's expenses.

Vouchers dated 27-3-93, 29-4-93, 29-5-93, 2-7-93, 31-8-93, 21-9-93, 28-1-94, 28-2-94, 23-3-94, 30-4-94, 28-5-94 are also in the name of Parsada Rao towards driver's expenses. Vouchers dated 31-1-95, 28-2-95, 30-5-95, 31-7-95, 31-10-95, 31-1-96, 7-3-96, 19-3-96, 30-3-96, 27-4-96, 2-5-96, 18-5-96, 14-6-96, 1-7-96, 31-7-96, 31-8-96, 1-10-96, 2-12-96, 1-3-97, 2-4-97, 3-5-97, 3-6-97, 3-7-97, 2-8-97, 2-9-97, 1-10-97, 1-10-97, 1-11-97 are in the name of Sh. R. S. Srivastava. Similarly vouchers dtd. 30-7-94, 31-8-94, 27-9-94, 29-3-94, 30-11-94, 30-12-94, 3-3-95, 1-5-95, 29-6-95, 30-8-95, 23-9-95, 31-10-96, 20-1-97, 1-2-97, 19-4-97, 2-12-97, 2-1-98, 31-1-98 are in the names of Sh. R. S. Srivastava towards the payment of driver charges.

Vouchers dated 29-2-98, 1-6-98, 2-7-98, 1-8-98, 2-9-98, 5-10-98, 2-11-98, 1-5-98 are in name of Sh. B. D. Chatterjee, Chief Manager. None of the vouchers are in the name of worker Liyakat Ali.

The management representative has argued that the management has proved that Sh. Liyakat Ali was engaged by Sri Parsada Rao as his personal driver for his exclusive use of bank's vehicle. Further, Chief Manager was reimbursed for the wages which he used to pay to his driver. Shri B. D. Chatterjee, the then Chief Manager, has corroborated him about providing vehicle for his exclusive use and manner of engagement of personal driver from the said vehicle. There are vouchers, which go to show that money was paid to Chief Manager in lieu of wages he used to pay to his driver. These vouchers also bear the signatures of the Chief Manager.

The representative of the opposite party has argued that there are no vouchers to show that concerned workman was paid wages through vouchers directly by the opposite bank. There is exhibit M-40 Circular No. 23/1264, dated 30-12-1980, which would go to show that Chief Managers were entitled for car for their exclusive use and the expenses for the same will be reimbursed to them by the Bank. It is submitted that the evidence of opposite party bank is entitled for greater weight than that of

concerned workman. Had the opposite party bank been in need of Driver, they would have adopted the procedure as pointed out earlier. The admission of the concerned workman that he was engaged by Prasada Rao lends credence to the version of opposite party bank that the concerned workman would have been engaged by the Chief Manager as his personal driver, as was permissible under the above quoted circular. Further had he been appointed by the opposite party bank, he would have been paid wages directly and his attendance would have been registered. Further, there is no evidence to show that opposite party bank had any control over him. The papers, which were got filed by the concerned workman would not lend any support to his case as by merely getting the vehicle repaired would not confer the status of employee of the opposite party bank.

The worker's representative has argued that the worker used to drive the vehicle of the bank during the tenures of Sh. Parsada Rao, B. D. Chatterjee, Panch Dev Upadhyaya and R. S. Srivastava and this gets support from the vouchers filed by the bank. It is argued in written argument that worker used to sign the vouchers. Since vehicle belong to the bank and worker drove the vehicle therefore it will be deemed that he had been in service of the bank. The representative of the worker has stated that action of the bank is arbitrary and illegal.

Further, from the evidence on record it is proved that the Chief Manager of the bank was allowed to engage the personal drivers the expense of which was to be reimbursed by the bank. There is no privity of the contract between worker and the bank. The bank has not paid salary to the worker. The worker drove the vehicle of the bank which was given to Chief Managers for their personal use and if Chief Manager employs any driver for whom he obtain reimbursement then there is absolutely no relationship of employer and employee in between the bank and the worker. In the circumstances I come to the conclusion that the worker was not in the employment of bank rather he was in employment of the Chief Manager for executing his personal needs.

The representative of the management has also argued that the worker in his cross-examination has admitted that his name was not forwarded by the employment exchange and that he was appointed by Sh. Parsada Rao, the then Chief Manager. There are guidelines issued by Govt. of India regarding recruitment of Class-IV employees. According to these guidelines, appointment should not be made without inviting names from employment exchange. On the face of these guidelines, it is not imaginable that the applicant would have been appointed by the opposite party bank at all. Hence, his case of having been appointed by the opposite party bank is not proved.

It is true that in the circumstances of the evidence of case that if a Chief Manager has to employ a driver for

personal use he shall not go for adopting procedure which is applicable for recruitment in the bank. The circumstances go to show very clearly that he worked as personal driver of the Chief Managers and he was not at all in the service of the bank.

In the identical case 1978 Supreme Court Cases (L & S) 353 Punjab National Bank *Vs.* Ghulam Dastagir it was held that car driver engaged by Area Manager of Bank for which allowance was given to him was not 'workman' of the bank even though the car was maintained at the bank's expenses. The control and direction of the driver did not rest in the Bank.

In the circumstances of the case I come to the conclusion that worker was engaged by the Chief Manager of the Allahabad Bank for driving bank's vehicle for his personal use. Salary of the driver was disbursed to the Chief Managers and no salary was paid to the worker by the Bank. The worker has concocted the false and frivolous case against the bank management. Sh. Liyakat Ali is not covered in definition of workman as defined in Section 2(S) of the Industrial Disputes Act, 1947. There is no relationship of master and servant between Allahabad Bank and Sh. Liyakat Ali. Sh. Liyakat Ali was not the employee of the bank and was never been engaged as such. Therefore there is no question of any termination by the bank. Issue is answered accordingly. Sh. Liyakat Ali is not entitled to any relief whatsoever.

Lucknow
9-8-2005

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3176—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल बैंक ऑफ कॉमर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 48/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-08-2005 को प्राप्त हुआ था।

[सं. एल-12012/59/2002-आई आर (बी-11)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 12th August, 2005

S.O. 3176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 48/2002) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi No. II as shown in the Annexure, in the Industrial dispute between the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 12-08-2005.

[No. L-12012/59/2002-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

R. N. Rai, Presiding Officer

I.D. No. 48/2002

In the matter of :

Shri Ashok Kumar,
S/o. Shri Om Prakash,
R/o. Block-C-65, Welcome Colony,
Seelampur-III,
Delhi-110053.

VERSUS

1. The General Manager (P),
Oriental Bank of Commerce,
B-Block, Connaught Place,
New Delhi-110 001
2. The Sr. Manager,
Oriental Bank of Commerce,
Thamar Building,
Naya Bazar,
Delhi-110006.

AWARD

The Ministry of Labour by its letter No. L-12012/59/2002-IR (B-II) Central Government dt. 07-07-2002 has referred the following point for adjudication :—

The point runs as hereunder :—

"Whether the action of the General Manager, Oriental Bank of Commerce, E-Block, Connaught Place, New Delhi-110 001 in stopping from duty (refusing employment) to Shri Ashok Kumar, Sweeper is valid, reasonable and justified ? if not, what relief the workman is entitled to ?"

The workman applicant has filed statement of claim. In the statement of claim it has been stated that on 01-05-1994, the workman was appointed as Safai Karamchari on compensatory grounds after the demise of his grand father, an employee of the management. However, the workman was initially appointed on Daily Wages of Rs. 40 per day which gradually were enhanced to Rs. 50 per day. The duty hours of the workman with the management no. 2 were from 9.00 A.M. to 5.00 P.M. as voucher annexed P-4 to P-18.

That the workman performed his duties honestly, diligently and to the entire satisfaction of the management as during the course of his employment there has not been any kind of complaint from anybody of the management, for about six years. The workman applicant raised his claim for regular job instead of daily wages with

the management, but the workman was being put off by the management on one pretext or the other.

That since 01-05-1994 to 08-03-2000 the workman performed his duty regularly, but the management in the morning of 09-03-2000 did not allow the workman to resume his duty without any rhyme or reason. The management instead of acceding to the lawful demand of the workman for issuing regular job on monthly basis, illegally and unjustifiably terminated the services of the workman. Thus the workman is unemployed since 09-03-2000.

That on 01-05-2000 the workman gave a demand notice to the management, but the management failed to give any reply or regular job to the workman. The workman further sent demand notice dated 15-05-2000 under Regd. A.D. and UPC which were duly served upon the management as Annexure P-2 & P-3. The management chose to remain mum and failed to reply the said demand notice also.

That the workman filed a claim petition before the ALC for conciliation proceedings, which were returned for want of jurisdiction. That the Learned Under Secretary, Government of India, Ministry of Labour vide letter No. nil dated 07-07-2002 has been pleased to refer the reference to this Hon'ble Tribunal as Annexure—P-1 and copy to the workman to file his claim before this Hon'ble Tribunal, hence this claim.

That despite best efforts the claimant has not been able to secure any alternative job and is unemployed till date. That the action of the management is illegal, unjustified and the claimant is entitled to be reinstated with continuity of service with full back wages on regular post of Safai Karamchari.

It is, therefore, requested that the management by an Award be directed to reinstate the workman/claimant as Safai Karamchari in regular post with continuity of service and full back wages with all other benefits for which the claimant is found to be entitled under the law.

The management has filed written statement. In the written statement it has been stated that there never existed any employer-employee relationship between the management and the workman and hence the present reference is not maintainable in the absence of employer-employee relationship between the parties. The management submits that the claimant was only engaged for doing the sweeping work for an hour or so on a particular day and there was no question of his being appointed in the service of the management. The management submits that it has its own recruitment policy and guidelines and the recruitment for the management-bank is done as per the Government guidelines through the Employment Exchange. The claimant was never

appointed with the management and hence the whole reference is liable to be rejected on the short ground alone.

It is submitted that the claimant was not an employee of the management. The claimant was only engaged on daily wages for an hour or so and he was paid for the work which he performed. It is wrong and vehemently denied that the claimant was appointed with the management as alleged. The vouchers annexed to the claimant as P-4 to P-18 would itself show that the claimant was not engaged by the management. The vouchers even do not relate to his name.

It is submitted that the claimant has himself admitted that he is applying for a job with the management and hence there could be no employer and employee relationship between the parties. It is submitted that the appointment in the management-bank is done as per the recruitment policy/government guidelines and through the Employment Exchange and therefore, there was no occasion for appointment of the claimant as an employee with the management.

It is wrong and vehemently denied that the claimant had worked with the management from 01-05-1994 to 08-03-2000 as alleged. In fact, the engagement of the workman was only casual in nature on intermittent days for which payment has been made to him. Hence the averments made in this para are wrong and denied. The claimant was never appointed as temporary or permanent employee with the management and hence the question of termination of service does not arise.

It is specifically submitted that no notice has been received from the claimant. Even assuming that such notice has been received, the same would not give any vested right to the claimant. The claimant has himself admitted that he had applied for regular job with the management and hence his contention that he has worked regularly and performed duty on regular basis from 1994 to 2000 is unbelievable.

It transpires from the perusal of the order sheet that the workman applicant has not been turning up for a long time. Notice was sent to him. He appeared but he has not filed rejoinder. He has not filed even affidavit in support of his claim statement. He has not proved his claim statement.

The reference is replied thus :—

The action of the General Manager, Oriental Bank of Commerce, E-Block, Connaught Place, New Delhi-110 001 in stopping from duty (refusing employment) to Shri Ashok Kumar, Sweeper is valid, reasonable and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 09-08-2005.

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3177—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एल. आर. एस. आई. टी. ए. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर-II, नई दिल्ली (संदर्भ संख्या 135/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-2005 को प्राप्त हुआ था।

[सं. एल-42012/233/2003-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 135/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the annexure in the Industrial Dispute between management of Lala Ram Sarup Institute of Tuberculosis and Allied Diseases, and their workmen, which was received by the Central Government on 12-8-2005.

[No. L-42012/233/2003-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

I. D. No. 135/2004

Shri R. N. Rai, Presiding Officer

In the matter of :

The General Secretary,
Hospital Karamchari Panchayat (Regd.),
Lala Ram Sarup Institute of Tuberculosis &
Allied Diseases, Sir Aurbindo Marg,
New Delhi-110030.

Versus

The Director,
LRSITAD (Lala Ram Sarup Institute of
Tuberculosis and Allied Diseases),
Sir Aurbindo Marg,
New Delhi-110030.

AWARD

The Ministry of Labour by its letter No. L-42012/233/2003-IR(CM-II), Central Government dt. 29-07-2004 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the action of the management of Lala Ram Sarup Institute of Tuberculosis and Allied Diseases, Sir Aurbindo Marg, New Delhi in terminating the services of S/Shri Rakesh, Mukesh, Ravinder, Hotam Chand, Nikhilesh and Joginder, all Ex-Ward Boys (daily wager), w.e.f. 16-01-1999 is legal and justified? If not, to what relief are the workmen entitled and from which date.”

It transpires from perusal of the order sheet that notice to the workman was sent to file claim statement but the workman applicant has not turned up. The management was also not present. The workman applicant has not filed claim statement despite service of the notice.

No dispute award is given.

Date : 10-08-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3178—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर-II, नई दिल्ली (संदर्भ संख्या 97/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-2005 को प्राप्त हुआ था।

[सं. एल-42012/56/2003-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3178.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 97/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the annexure in the Industrial Dispute between management of Central Public Works Department, and their workmen, which was received by the Central Government on 12-8-2005.

[No. L-42012/56/2003-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

I. D. No. 97/2004

Shri R. N. Rai, Presiding Officer

In the matter of :

The Deputy General Secretary,
All India CPWD Employees Union,
Lodi Colony, Enquiry Office, CPWD,
New Delhi-110003.

Versus

The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi-110011.

AWARD

The Ministry of Labour by its letter No. L-42012/56/2003-IR(CM-II), Central Government dt. 27-05-2004 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the workman Shri Ashwini Kumar is entitled for reinstatement/absorption and regularization consequent upon abolition of contract labour system ? If yes, to what relief the workman concerned is entitled to and from which date ?”

It transpires from perusal of the order sheet that notice to the workman was sent to file claim statement but the workman applicant has not turned up. The management was also not present. The workman applicant has not filed claim statement despite service of the notice.

No dispute award is given.

Date : 10-08-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3179—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, टी बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर-II, नई दिल्ली (संदर्भ संख्या 83/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-2005 को प्राप्त हुआ था।

[सं. एल-42012/101/2002-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 83/2002) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Tea Board, Ministry of Finance, and their workmen, which was received by the Central Government on 12-8-2005.

[No. L-42012/101/2002-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

I. D. No. 83/2002

Shri R. N. Rai, Presiding Officer

In the matter of :

Sh. Chet Ram S/o Shri Sohail Lal,
R/o 17/412, Kalyan Puri,
Delhi-110091

Versus

The Secretary,
Tea Board, Ministry of Finance,
Kailash Building,
12th Floor,
Connaught Place,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-42012/101/2002-IR(CM-II), Central Government dt. 31-10-2002 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the action of the management of Tea Board, Ministry of Finance, New Delhi in terminating the services of Shri Chet Ram, Daily Wager w.e.f. 17-05-1997 is legal and justified ? If not, to what relief he is entitled to and from which date ?”

It transpires from perusal of the order sheet that notice to the workman was sent but the workman applicant has not turned up. The management has been present all along. The workman applicant has not filed claim statement despite service of the notice.

No dispute award is given.

Date : 10-08-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3180—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर-II, नई दिल्ली (संदर्भ संख्या 134/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-2005 को प्राप्त हुआ था।

[सं. एल-42012/177/2003-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 134/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi as shown in the annexure in the Industrial Dispute between the Management of

Central Public Works Department, and their workmen, received by the Central Government on 12-8-2005.

[No. L-42012/177/2003-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

I. D. No. 134/2002

Shri R. N. Rai, Presiding Officer

In the matter of :

The President,
All India CPWD Karamchhari Union,
Plot No. 1, Udaseen Mandir, Aram Bagh,
Paharganj,
New Delhi-110055.

Versus

The Executive Engineer (Civil),
CPWD, Smt. Suchita Kriplani Hospital &
Lady Harding Medical College-Division,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-42012/177/2003 [IR(CM-II)], Central Government dt. 30-07-2004 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the action of the management of CPWD and the contractor is sham ? If so, the demand of the CPWD Karamchhari Union for absorption/regularization of the services of S/Shri Dhani Ram, S/o Ram Bharose, Sunil S/o Rajinder, Vijay S/o Rajinder, Kamal Singh S/o Shri Lalji, Vicky S/o Prem, Anand Prakash S/o Lalji and Ram Kumar S/o Ram Kishan in the establishment of Central Public Works Department, Smt. Suchita Kriplani Hospital and Lady Harding Medical College Division, New Delhi is legal and justified and to what relief these workmen are entitled ?”

It transpires from perusal of the order sheet that notice to the workman was sent to file claim statement but the workman applicant has not turned up. The management has been present all along. The workman applicant has not filed claim statement despite service of the notice.

No dispute award is given.

Date: 10-08-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3181—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ए. आई. आर. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर-II, नई दिल्ली (संदर्भ संख्या 138/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-2005 को प्राप्त हुआ था।

[सं. एल-42012/288/2003-आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 138/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the annexure in the Industrial Dispute between the employers in relation to the Management of All India Radio and their workmen, received by the Central Government on 12-8-2005.

[No. L-42012/288/2003-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

I. D. No. 138/2004

Shri R. N. Rai, Presiding Officer

In the matter of :

Shri Shyam Lal & Others,
C/o The President,
All India Radio C. C. W. Employees Union (Regd.),
Plot No. 1, Aram Bagh near Udasin Mandir,
Paharganj,
New Delhi-110055.

Versus

1. The Director General,
All India Radio (Prasar Bharti),
Akashvani Bhawan,
Parliament Street,
New Delhi-110001.
2. M/s. Gaur Contractors,
Through its Proprietor,
B-2/208,
Jagatpuri,
Pandari Road,
Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/288/2003 [IR(CM-II)], Central Government dt. 17-08-2004 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the contract awarded by the management of All India Radio, Civil Construction Wing, New Delhi to M/s. Gaur Contractors, Pandari Road, Delhi is sham or not ? If so, whether the demand of the Union for regularization/absorption of the services of S/Shri Shyam Lal, Ram Ashrey, Ashok Kumar, Ravi and Dharmender represented by All India Radio Civil Construction Wing Employees Union, New Delhi in the establishment of All India Radio, Civil Construction Wing is justified ? If so, to what relief the concerned workmen are entitled ?”

Notice has been sent to the workmen applicants twice but they have not turned up. They have not filed any statement of claim.

The reference is replied thus :

The contract awarded by the management of All India Radio, Civil Construction Wing, New Delhi to M/s. Gaur Contractors, Pandari Road, Delhi is not sham. The demand of the Union for regularization/absorption of the services of S/Shri Shyam Lal, Ram Ashrey, Ashok Kumar, Ravi and Dharmender represented by All India Radio Civil Construction Wing Employees Union, New Delhi in the establishment of All India Radio, Civil Construction Wing is not justified.

No dispute award is given.

Date : 08-08-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3182—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्केलॉजिकल सर्वे ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नम्बर-II, नई दिल्ली के पंचाट (संदर्भ संख्या 59/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-2005 को प्राप्त हुआ था।

[सं. एल-42012/244/98-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/

2000) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workmen, which was received by the Central Government on 12-8-05.

[No. L-42012/244/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

I. D. No. 59/2000

Shri R. N. Rai, Presiding Officer

In the matter of :

Shri Ram Surat,
C/o Puratatva Sarvekshan Kamgar Union,
E-26, O, 1 D Qtr., Baba Kharag Singh Marg,
New Delhi-110001.

Versus

Dy. Superintendent,
Archaeological Survey of India,
Northern Division No. 2,
Safdarjung Tomb,
New Delhi-110003.

AWARD

The Ministry of Labour by its letter No. L-42012/244/98-IR(DU), Central Government dt. 30-05-2000 has referred the following point for adjudication.

The point runs as hereunder :

“Whether the action of the management of Archaeological Survey of India in terminating the services of Shri Ram Surat w.e.f. 10-09-1997 and not regularizing his services in the time scale is just, fair and legal ? If not, to what relief the workman is entitled ?”

The Union on behalf of the workman Shri Ram Surat, S/o Shri Parsu Ram has filed claim statement. In the claim statement it has been stated that Shri Ram Surat, S/o Shri Parsu Ram was engaged on muster roll performing the duties of maintenance of gardens under the above management and posted in Safdarjung Tomb w.e.f. 23rd April, 1985 and his services were terminated w.e.f. 10-09-1997.

That the workman Shri Ram Surat been completed 240 days of service in each of the year and worked continuously as per Section 25(b) of ID Act, 1947. That at the time of termination of service no notice, notice pay, compensation etc. was given to the workman.

That another set of juniors to the workman Ram Surat were retained in service and even their services were regularized in respect of Shri Dalbir Singh, Shri S. Prasad who were recruited in the year 1992 and were given temporary status in the year 1994 w.e.f. 01-09-1993 in the pay scale of Rs. 750-940 so violated the provisions of ID Act, 1947.

That the workman was retained as daily rated on muster roll with a view to deny them the permanent status and privileges for years together which is also unfair labour practice as envisaged in items 10 of 5th schedule of Section 2(ra) of the ID Act, 1947. That the management is executing, performing the works of maintenance of building and operation, gardening, monuments, plantations etc. of Archaeological Survey of India and is covered under the definition of 2(g) of Payment of Wages Act and being the workman under the above Act. So the workman is also covered under Industrial Employment (Standing Orders) Act, 1946.

That the management while regularizing and granting permanent status to workman, the services of Ram Surat were terminated with utter violation of the provisions of Model Standing Orders under Industrial (Standing Orders) Act, 1946, and also the provisions of ID Act, 1947. That as per the said standing orders, the workman was entitled to be regularized after completion of 90 days of service but the services of workman were terminated without even following the principles of natural justice.

That the above workman is unemployed and facing starvation due to unfair labour practice adopted by the management. It is submitted that the workman performing same duty and duty hour so he is also entitled to equal pay w.e.f. 07-06-1988 as per policy of Government of India. That as per the policy of the Government of India, all the muster roll workers have been given their wages in the time scale from 01-09-1993 in a temporary status, but this workman was denied even the said facilities. That the action of the management of Archaeological Survey of India in terminating the services of workman w.e.f. 10-09-1997 and not regularizing the services in the time scale attached to the unskilled workman in the category of Group "D" is unjust, unfair and illegal.

The management has filed written statement. In the written statement the management has stated that it is not correct that the engagement of Shri Ram Surat, daily wages was discontinued w.e.f. 10-09-1997, in fact he was discontinued w.e.f. 02-03-1997 as per records submitted in Assistant Labour Commissioner's office because he was engaged on seasonal work on need basis in the gardens for a week's period at different occasions. Thereafter, his engagement was discontinued and the question of his regularization does not arise as he has not worked for 240 days in any of the year under this establishment.

That Shri Ram Surat, S/o Shri Parsu Ram was engaged on muster roll on seasonal work on need basis in

the gardens. It is false and baseless that he has been working at Safdurjung Tomb continuously since 23rd April, 1985 and his services were terminated w.e.f. 10-09-1997.

That Shri Ram Surat agricultural casual labour has not completed 240 days continuous service in any of the year and Section 25(b) of ID Act, 1947 is not applicable in any way for the agricultural casual labourers of Archaeological Survey of India. The engagement of daily wages employees are undertaken in Archaeological Survey of India for disposal of seasonal garden work on need basis which is not covered under the Industrial Employment Act because the Horticultural Branch of Archaeological Survey of India is not a profit earning department. In the judgment of Hon'ble CAT, Cuttack in M. A. No. 266/96 arising of O. A. No. 192/96 on 16-12-1996, it has been mentioned that "Archaeological Survey of India and a Government Department relatable to the sovereign function of the Government of India cannot be termed as an Industry. Besides the Hon'ble Supreme Court in its decision under O. A. No. 257 (1997), Physical Research Laboratory V/s. K. C. Sharma has not termed as Industry in respect of all departments of Government of India.

In the matter of Shri Bhagirath Sharma V/s. Superintendent, Archaeological Survey of India under dispute C. G. E. I. T/B-18/97 in its decision, the Hon'ble Industrial Tribunal and Labour Court, Jaipur has clearly mentioned that the above said Archaeological Survey of India department does not come under the definition of Industry vide Section 2 of ID Act, 1947. That as already stated that daily wages casual labour engaged on seasonal work on need basis for particular period, employment ceases on completion of Muster Roll. Hence, notice for the termination of service is not required.

It is stated that Shri Dalbir Singh was recruited through Employment Exchange in this office against the vacant post. No person in the name of S. Prasad was regularized in this Division during 1994. The question of violation of the provisions of ID Act, 1947 does not arise as it is not applicable in the case of Archaeological Survey of India as already stated in Para-3.

It is stated that the daily wages casual labour are engaged for seasonal work of garden on need basis only. Therefore, question of their permanent status does not arise. It also does not come under item 10 of 5th Schedule of Section 2(ra) of the ID Act, 1947.

That it is stated that the daily wages casual labour was engaged on seasonal work on need basis only and not on regular nature of work. Besides, the said casual labour has not worked for 240 days in any of the year, so the policy of Government of India is not applicable in this case. The question of benefits w.e.f. 07-06-1988 does not arise in this case.

That the termination of services of the daily wages casual labour w.e.f. 10-09-1997 is baseless because he was engaged on seasonal work on need basis only. Wherever there was work, the workman was engaged on Muster Roll and thereafter completion of work automatically it is off without justified work.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has asserted that he has worked for more than 240 days in every year so he is entitled to be regularized.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted by the workman that ASI is an Industry in view of the Bangalore Water Supply. It was submitted from the side of the management that ASI is not an Industry. In view of the Bangalore Water Supply ASI is an Industry as there is systematic activity in the department and it has been admitted by the witness of the management and the work is done in co-operation between the employer and the employee and the services rendered are calculated to satisfy human wants and engaged wishes. The ASI is not a research institute. It does not perform any sovereign duty. The workman of ASI is engaged in protection and maintenance of ancient monuments so the management carries on systematic human activities and such activities are calculated to fulfill human wants and wished so in view of Bangalore Water Supply ASI is an Industry. The law cited by the management is not applicable in the facts and circumstances of the case. My attention was drawn to AIR 1997 SC 3657, the Hon'ble Supreme Court has held that Research Laboratory is not an Industry. It was submitted that Horticulture Branch of ASI is not profit earning department. It is established law that an undertaking which is not profit earning is also an industry. The only criteria for an industry is that there should be systematic activity and that activity should be for fulfilment of Human wants and wishes. Systematic activity is discharged by the ASI.

It was submitted from the side of the workman applicant that he has performed 240 days in every year right from 1986 to 1997. It is settled law that the burden to prove that the workman has worked for 240 days in the preceding year or in any year lies on the workman applicant. It is the plea of the workman that he has worked for more than 240 days so it is his duty to prove that he has worked for more than 240 days. The substantial question is whether the workman has worked for 240 days in the preceding year of his retrenchment or in any year during his work. The management has filed certified copies of the period for which the workman Ram Surat has worked.

According to the documents filed the workman has worked for 111 days in 1986, 124 days in 1987, 56 days in 1988, 134 days in 1989, 102 days in 1990, 78 days in 1991, 42 days in 1992, 61.5 days in 1993, 118 days in 1994, 122 days in 1995, 3 days in 1996 and 14.5 days in 1997. The management has filed papers regarding the work done by the workman from 1986 to 1997. These papers are verified by Dy. Superintending Horticulture Survey of India, New Delhi. These papers have not been denied by the workman as such these papers bearing original signature and seal are admissible in evidence. According to the documents referred to above the workman has not completed 240 days work in any of the year from 1986 to 1997.

It was submitted from the side of the workman that he has also filed papers regarding work done by him. These papers are photocopies. They have no seal and signature of the department. There are cuttings at several points and it is not certain that these papers are regarding the work of Shri Ram Surat. The document filed by the workman applicant regarding his working period are only photocopies and these photocopies are not admissible in evidence in view of the admitted certified copies filed by the management. The workman has not filed any other document to prove that he has worked for 240 days in any of the years right from 1986 to 1997. The documents filed by the management have neither been admitted nor denied by the workman so these documents shall be deemed to be admitted as there is no endorsement on the document filed by the management referred to above.

It was submitted that the workman has stated in affidavit that he has worked for more than 240 days. It has been laid down in JT 2002 (2 ST) 238 that since it is the claim of the respondent that he has worked for 240 days which was denied by the management, it was for the respondent to lead evidence to show that he has in fact worked for 240 days in the year preceding his termination. Filing of affidavit cannot be regarded as sufficient evidence so the Court or Tribunal cannot come to the conclusion merely on the basis of affidavit of the workman that he has worked for more than 240 days. In JT 2001 (3 SC) 326, the Hon'ble Supreme Court has reiterated the same view so it is settled law that the workman has to prove that he has completed 240 days in the preceding year of the termination of his services or in any year during his period of work. The workman applicant has not filed any document admissible in evidence to prove the fact that he has worked for 240 days so in view of law cited above it is a proven fact that the workman applicant has not performed 240 days work in any of the year during his employment. Section 25 F of the ID Act, 1947 is attracted only when he has performed continuous service for not less than one year in any Industry. The workman has not performed 240 days work in any year so Section 25 F of the ID Act, 1947 is not attracted even though he has not

been paid retrenchment compensation or pay in lieu of notice.

It was submitted from the side of the workman applicant that provisions of 25 G and 25 H have not been followed by the management. Section 25 G provides that if any workman is to be retrenched the workman who has been taken in employment at the last should be retrenched. Section 25 H provides that retrenched workman is to be given re-employment in case appointment is made.

It was submitted from the side of the workman that Shri Dalbir Singh was junior to the workman but his services have been regularized. Only the case of Dalbir Singh has been cited by the workman. The plea of the management is that he was Supervisor and his name was sponsored by Employment Exchange and there was vacancy of one person and he has performed 240 days work so he was given appointment. In case Shri Dalbir Singh has performed 240 days work even though he was junior to the workman applicant he can be given appointment as a right for regularization has accrued in favour of Shri Dalbir Singh in view of Section 25 F of ID Act, 1947 so it cannot be said that Shri Dalbir Singh junior to the workman was regularized whereas the workman was not regularized. The case of Shri Dalbir Singh is different as he has worked for 240 days in a year. The workman applicant in the instant case has not performed duties for 240 days in any of the years so his case does not fall at par with Shri Dalbir Singh whom appointment has been given by the management as post of only one workman was vacant. There is no substance in the argument of the A/R of the workman that junior to the workman applicant has been appointed and the management has not followed the direction of the Hon'ble High Court that last come should first go. There is no parity of rights accrued to Shri Dalbir Singh and the workman so the principles of last come first go cannot be applied in the facts and circumstances of the present case.

It was submitted from the side of the management that the work of the workman was need based whenever there was need of work his service was taken and weekly payment to him was made. From the documents filed by the workman applicant though photocopies, it transpires that he has been paid for every weeks work. It has been held in AIR 1997 SC 3657 that in case appointment is made on basis of need of work, the termination of such service cannot be construed to be retrenchment and the same is also not arbitrary. The workman applicant has not completed 240 days work and he has been weekly paid. His appointment was made on need basis so it cannot be construed that he is a retrenched employee. It has been held in (1997) 4 SCC 88 that Daily wages appointment will obviously be in relation to contingent establishment and it continues so long as the work exists. It is not the case of the workman that while he was discharging his duty under the respondent vacancy arose and he was not absorbed

against that vacancy. It is not the case of the workmen that all the workmen working with him have been regularized. He has mentioned the case of only Shri Dalbir Singh but Shri Dalbir Singh has completed 240 days work so right of regularization has accrued in his favour. No other workman has been appointed so it shall be deemed that he was working on need basis and he was continued till then and when need was over he was not taken on duty. In view of the law cited by the management the workman applicant has not completed 240 days work so he is not entitled to regularization.

My attention was drawn to (2003) 6 AD Delhi 256, FLR 1998 (41) 50 and 2005 4th AD (SC) 39. The law cited by the workman applicant is not applicable in the facts and circumstances of the present case. He has not proved that he has worked for 240 days so there is no question of notice pay and retrenchment compensation. He has not performed uninterrupted continuous service for 240 days in any year so Section 25F, G, H & 25B of the ID Act, 1947 are not applicable. The law cited by the workman applicant is not applicable in the present facts and circumstances of the case.

The reference is replied thus :

The action of the management of Archaeological Survey of India in terminating the services of Shri Ram Surat w.e.f. 10-09-1997 and not regularizing his services in the same scale is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 10-08-2005.

R. N. RAI, Presiding Officer

नई दिल्ली, 12 अगस्त, 2005

का. आ. 3183.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल ऐवियन रिसर्च इंस्टिट्यूट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 27/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-2005 को प्राप्त हुआ था।

[सं. एल-42012/177/99-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 12th August, 2005

S.O. 3183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/2001) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Avian Research Institute and

their workmen, which was received by the Central Government on 12-8-05.

[No. L-42012/177/99-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla, Presiding Officer

I. D. No. 27/2001

Ref. No. L-42012/177/99/IR (DU), dt. 8-2-2001

Between

Sushil Kumar Saxena, C/o A. K. Saxena,
668, Kalicharan Marg,
Subhash Nagar,
Bareilly (U. P.).

AND

Director,
Central Avian Research Institute,
Izatnagar,
Bareilly (U. P.).

AWARD

The Government of India, Ministry of Labour referred the following dispute to Presiding Officer, CGIT-cum-Labour Court, Lucknow for adjudication:

“Whether the action of the management of Central Avian Research Institute, Bareilly in terminating the services of Sh. Sushil Kumar Saxena, Ex-Technician w.e.f. 25-3-91 is just, fair and legal? If not, to what relief the workman is entitled and from which date?”

Worker's case in brief is that he was engaged as Casual Tech. w.e.f. 14-8-89 to 24-3-91 with the Central Avian Research Institute, Izatnagar, Bareilly with artificial breaks. But the worker has worked for more than 240 days in a year. It is alleged that the opposite party did not provide any appointment letter. The allegations of the workman is that he was terminated on 25-3-91 without any reason and without any notice or pay in lieu of notice or retrenchment compensation. Worker has also alleged that other casual tech. who were juniors to him have been retained in the service. It is also alleged that juniors P. K. Bajpai, U. K. Tripathi, Chandradhar and Ravi Kumar Goel who were juniors to the worker Sushil Kumar Saxena have been retained and only the worker Sushil Kumar has been retrenched. It is also alleged that work was available but the workman has been deprived of the opportunity to work. Thus, the employer has violated the provision of the I. D. Act, 1947. Worker has therefore prayed that he should be reinstated with back wages and continuity of service.

Opposite party has filed written statement and has stated that the opposite party is not a industry within the meaning of word as defined under I. D. Act, 1947. Hence, the present reference is incompetent and bad in law. It is alleged that opposite party is a notified department under Rule 14(2) of the Central Administrative Tribunal Act, 1985 and the workman is entitled to raise his claim before the Central Administrative Tribunal, Allahabad having the jurisdiction regarding all the service matters of the organisation and the CGIT-cum-Labour Court has no jurisdiction to entertain the claim of the workman. It is alleged that claim is belated. This is admitted that the workman was initially engaged as Casual Technician on daily wages in the Avian Medical Division of the opposite party. As and when the work was available the workman was engaged on daily wage basis. He preferred to work intermittently and not a regular employee of the opposite party. It is also alleged that workman never worked 240 days in one calander year. The daily wagger are not entitled to any benefit of Section 25 of I. D. Act, 1947. The term of daily wagger is for a specific period from the beginning of the day upto end of the day and thus they are not entitled to claim duties on next day as and when work is available they are given duty. It is also alleged that the workman himself abandoned the employment and he himself did not come for duty since 25th March, 1991 and since he was a casual daily wagger, there was no requirement for the employer under the law to question him for not reporting on duty, nor the concerned workman is required to submit any explanation for not reporting duty. The abandonment of work by the workman is also proved by the fact that he did not raise any demand or request for getting the duty. It is only in the year of 1999, due to ulterior motives he raised an industrial disputes alleging that his services were terminated. It is also alleged that the workman got better employment and therefore, he left the duty under the respondent establishment and it is only after 9 years for the reasons best known to him, raised an industrial dispute. The opposite party has therefore prayed that this Tribunal to hold that the reference order is not maintainable and further held that the concerned workman is not entitled to any relief.

The worker in his rejoinder has denied the allegations of the written statement and has alleged that the opposite party is an industry and Labour Courts are competent to adjudicate the reference. It is also stated in the rejoinder that 10,000 hens and Baters are being maintained in the opposite party and they are sold and even their eggs are sold. The opposite party also organise training and takes training fees. It is also alleged that this Tribunal has jurisdiction to adjudicate the reference. Worker has alleged that after termination he continued to approach to opposite party and has been requesting the opposite party for their engagement but he was only assured that he shall be engaged. During the period the worker on 2-7-93, 95-96

and 13-11-97 represented to the opposite party but opposite party did not allow the representation and did not take the worker back in service. Ultimately the worker has filed the dispute before Asstt. Labour Commissioner (C), Dehradun on 17-6-99. Therefore there is no delay in filing the claim. The worker has denied that he deserted the work he stated that even after termination of service of the workman, other juniors were retained in service. Worker has denied that he himself left the job. Worker has stressed in his rejoinder that he has been unemployed from the date of his termination and he has been pursuing the opposite party for reinstatement.

Worker has filed following documents with his application :

1. Photocopy of letter of Administrative Officer dt. 18-8-89.
2. Photocopy of order of Administrative Officer dated 25-9-89.
3. Photocopy of office order issued by Administrative Officer dt. 4-11-89.
4. Photocopy of office order issued by Administrative Officer dt. 13-12-89.
5. Photocopy of office order issued by Administrative Officer dt. 6-2-90.
6. Photocopy of details of workman regarding working issued by Sri B. R. Arya, AAO dt. 11-4-90.
7. Photocopy of letter no. F-1-7(2)/86/Part dt. 1-6-90.
8. Photocopy of letter of Sri D. C. Johari Dean dt. 3rd Sept. 1990.
9. Photocopy of office order issued by Administrative Officer dt. 11-10-90.
10. Photocopy of office order issued by Administrative Officer dt. 4-1-91.
11. Photocopy of office order issued by Administrative Officer dt. 4-2-91.
12. Photocopy of office order issued by Administrative Officer dt. 14-2-1991.
13. Photocopy of experience certificate.
14. Photocopy workman's representation dt. 2-7-93.
15. Photocopy of workman's representation dt. 13-11-97.
16. Photocopy of workman's representation sent through Registry/UPC.
17. Photocopy of details of sale of eggs of Baters.

The worker has again filed following documents with application dt. 27-12-2002 :

1. Photocopy of Stay Order issued by Hon'ble High Court in writ petition no. 3760/91.
2. Photocopy of terminated employee's salary slip for the Month of June 2002.
3. Photocopy of writ petition filed in High Court between Distt. Cooperative Bank Vs. Labour Court 596/90.

Opposite party has filed following documents alongwith application dt. 11-10-2002 :

1. Photocopy of Central Administrative Tribunal Act, 1985.
2. Photocopy of details worker's working.
3. Photocopy of letter issued by Administrative Officer dt. 18-8-89.
4. Photocopy of order issued by Administrative Officer dt. 25-9-89.
5. Photocopy of order issued by Administrative Officer dt. 4-11-89.
6. Photocopy of order of Administrative Officer for workers engagement dt. 13-12-89.
7. Photocopy of worker's engagement application dt. 1-1-90.
8. Photocopy of order issued by Administrative Officer dt. 6-2-90.
9. Photocopy of worker's representation dt. 26-4-90.
10. Photocopy of order of Employment Exchange order dt. 11-5-90.
11. Photocopy of joining of worker dt. 15-5-90.
12. Photocopy of worker's under taking dt. 11-5-90.
13. Photocopy of order issued by Administrative Officer dt. 1-6-90.
14. Photocopy of Worker's representation for engagement dt. 19-7-90.
15. Photocopy of orders dt. 11-10-90.
16. Photocopy of workers engagement dt. 12-10-90.
17. Photocopy of workers joining dt. 12-10-90.
18. Photocopy of worker's application for re-engagement dt. 4-1-91.
19. Photocopy of Workers application dt. 31-1-91.
20. Photocopy of workers application dt. 4-2-91.

21. Photocopy of management order dt. 14-2-91.

22. Photocopy of management's order dt. 16-2-91.

Opposite party has also filed photo copies of mustor roll from 14-8-89 to 24-3-91 as per the orders of the court.

Worker has filed affidavit in support of his case and has been cross examined by the representative of the opposite party.

Opposite party has examined Asstt. Administrative Officer, Sri Shanti Prasad and he has been cross examined.

The parties have filed written arguments.

The parties were invited for oral submission on 4-8-05 but only worker representative turned up, opposite party did not turned up it was believed that the opposite party does not want to forward his oral submissions. Therefore perused the evidence on record and written arguments of the parties. Also heard the representative of the workman.

First of all this has to be decided whether the opposite party is industry or otherwise. Since jurisdiction of this court has been challenged by the opposite party.

Central Avian Research Institute, Izatnagar, Bareilly is registered under the Society Act, which is constituted by Indian Counsel of Agricultural Research located at New Delhi. This fact has come in the evidence of Asstt. Administrative Officer Sri Shanti Prasad. The witness has also admitted in the cross examination that for running of the institute the services of labours are required systematically. It is also admitted that no gazetted officer are not employed in the institute. The institute is registered under the Society Act is manned by Chairman who is Director General.

The witness of the opposite party has also admitted that the beneficiaries are the agriculturist. It is also admitted that the fairs and exhibition are being organised by the institute where in the Ginny pigs, Baters and Hens are exhibited and those agriculturist who desire to purchase them they purchase the same. It is also admitted that such fairs and exhibition are organised in different parts of the country.

Opposite party has argued that the opposite party institute is purely a research institute and it does not come within the purview of industry. The main emphasis has been laid down government's Physical Research Institute (PRL), which was not held to be a industry because PRL is purely research organisation discharging government functions though it is taking employees co-operation to achieving its purpose. It has been argued that PRL is a institute under the government of India's Deptt. of Space. It is engaged in pure research in space science. Purpose of research is to acquire knowledge about the formation and evolution of the universe but the knowledge thus

acquired is not intended for sale. The opposite party has filed the case law (1997) 4 Supreme Court Cases 257 PRL Vs. K. G. Sharma and others. Relying on the above case law the opposite party tried to impress that the opposite party is purely a research institute. I have gone through the case law cited by the opposite party. PRL is together different institute then that of Central Avian Research Institute. PRL could not be terms as industry because PRL is a institute under the Government of India Deptt. of Space. It is engaged in pure research in space science. The purpose of research is to acquire knowledge about the formation and evolution of the universe but the knowledge thus acquired is not intended for sale. The Labour Court has recorded a categorical finding that the research work carried on by the PRL is not connected with production supply or distribution of material goods or services. The material on record further discloses that PRL is conducting research not for the benefit or use of others. Though the results of research work done by them are occasionally published, they have never been sold. There is no material to show that the knowledge so acquired by PRL is marketable or has any commercial value. It has not been pointed out how the knowledge acquired by PRL or the results of research occasionally published by it will be useful to persons other than those engaged in such type of study. The material discloses that the object with which the research activity is undertaken by PRL is to obtain knowledge for the benefit of the Department of Space. Its objective is not to render services to others nor in fact it does so except in an indirect manner.

Neither from the nature of its organisation nor from the nature and character of activity carried on by it, can it be said to be an undertaking analogous to business or trade. It is not engaged in a commercial industrial activity and it cannot be described as an economic venture or a commercial enterprise as it is not its object to produce and distribute services which would satisfy wants and needs of the consumer community. It is more an institution discharging governmental functions and a domestic enterprise than a commercial enterprise. PRL, therefore is not an industry even though it is carrying on the activity of research in a systematic manner with the help of its employees as it lacks that element which would make it an organisation carrying on an activity which can be said to be analogous to the carrying on of a trade or business because it is not producing distributing services which are intended or meant for satisfying human wants and needs, as ordinarily understood.

The present institute is different from PRL. This institute is running under the Society Act. The object of this institute is not purely research but object is also commercial as the research work is sold in organising fairs and exhibitions. In the circumstances the status of PRL is together different from Central Avian Research Institute.

In the circumstances from the evaluation of the evidence I come to the conclusion that opposite party is an industry.

Opposite party's argument is that this court has no jurisdiction because it is not an industry is not having any substance in it.

The other argument advanced by the opposite party is that the worker was appointed only for specific tenure on the need basis and after completion of the aforesaid tenure his services automatically came to end.

Opposite party has also argued that worker Sushil Kr. Saxena has not worked continuously from 18-8-89 to 25-3-91 the worker fail to complete 240 days in any calendar year.

Admittedly there are no appointment letter and no termination letter and there is no contractual appointment of the worker. The worker is disengaged on 25-3-91. The worker put in 256 working days has been admitted by the management witness Sri Shanti Prasad on 16-6-2004. His relevant answer is as follows :

“मैंने मस्टर रोल की छाया प्रति दाखिल की है। यह मस्टर रोल सही है और पढ़े जा सकते हैं। मई 1990 से मार्च 91 तक मेरे द्वारा दाखिल मस्टर रोल पर अंकित कार्य दिवसों को जोड़ने पर 10 माह में 256 दिन कार्य किया जाना प्रमाणित है।”

It is also admitted that there was no service contract between the management and the worker which is evident of the following question answer :

प्र. : क्या कर्मचारी ने कोई सर्विस कांट्रैक्ट निष्पादित किया था कि 25-3-91 के बाद उसकी सेवायें समाप्त हो जायेंगी।

उ. : नहीं

Besides above facts it is also not disputed that the worker did not work w.e.f. 14-8-89 to 24-3-91. The facts find corroboration from the own documents filed by the management i.e. muster roll. Section 25F defines the term of continuous service which is as under :

Definition of continuous service :

1. A workman shall be said to be in continuous service for a period if he is, for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal or a lock out or a cessation of work which is not due to any fault on the part of the workman.

2. Where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer :

(a) For a period of one year, if the workman during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than :

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case.

(b) for a period of six months, if the workman during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than :

(i) ninety five days in the case of workman employed below ground mine; and

(ii) one hundred and twenty days in any other case.

Explanation : For the purposes of clause (2) the number of days on which a workman has actually worked under an employer shall include the days on which :—

(i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) or under the Act or under any other law applicable to the industrial establishment.

(ii) he has been on leave with full wages earned in the previous years.

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) in the case of a female, she has been on maternity leave, so however, that the total period of such maternity leave does not exceed twelve weeks.

Section 25 F of the I. D. Act is as under :

Conditions precedent to retrenchment of workers :
No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice.

(b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days average pay (for every completed year of continuous service) or any part thereof in excess of six months; and

(c) notice in the prescribed manner in service on the appropriate government (for such authority as may be specified by the appropriate government by notification in the Official Gazette).

From the facts on record it is proved that the worker has put in more than 240 days work prior to his termination. The defence taken by the employer is that the worker himself deserted the employment. The argument is that the worker failed to approach the authority for the job and no application in respect of re-engagement from the side of the worker has been received in the office of the opposite party. It is also argued that there is delay in filing dispute before the authorities concerned which shows that the worker was gainfully employed. It is also argued that after 25-3-91 worker failed to approach the opposite party as he was gainfully engaged during his disengagement and it is because of that reason the management has argued that the worker himself deserted the opposite party. Sri Shanti Prasad, AAO of the opposite party has stated that since 25-3-91 there was no casual work available with the opposite party and the worker Sushil Kumar Saxena also did not work thereafter. It is also stated by the witness that the worker did not approach the opposite party for the job. The same witness in the cross examination has stated that Sushil Kumar Saxena was removed on 25-3-91 and at the same time he has stated that he can not tell the reason for his removal. In reply to another question of court witness again said that the worker was removed on 25-3-91. Admittedly the worker was not given notice as evident from the statement of the cross examination for his removal nor he was paid any compensation or notice pay. The opposite party argument that worker himself deserted is therefore far from truth.

It has also been admitted by the opposite party witness that other similar workers Sri P. N. Bajpai and others were regularised although witness has stated that they have been regularised through direct recruitment. It is also admitted that they were terminated alongwith Sushil Kumar Saxena the present worker.

It is also admitted fact that P. K. Bajpai filed a Writ Petition in the High Court of Judicature at Allahabad in which the Hon'ble High Court on 8-2-91 stayed the termination. The said order was further extended on 22-4-91 and since the relief prayed by the worker P. N. Bajpai was made available to him the writ was dismissed as infructuous on 12-12-99.

Worker has filed photocopy of his application dt. 2-7-93 addressed to opposite party for taking him back in service through UPC. The worker has filed another application addressed to the opposite party on 13-11-97 on UPC. The worker in his affidavit dt. 11-10-01 stated that he sent said representation for reinstatement but the employer did not reply nor the worker reinstated. The worker has stated in his affidavit that he himself did not desert or leave the job on his own instead he was laid off. Worker has stated in his cross-examination that after leaving the services he was not employed elsewhere. He said that he performed the job of tutor and teaches children and is not engaged in any business, and on this way he earns Rs. 1400 to 1500 per month. He has further stated that after removal from the job he gave four five letters he has denied that his salary is Rs. 5000. If a person engages himself after being terminated from the service to teach

the children to survive and escape of starvation can not be termed as gainfully employed. Any person in the circumstances will like to fill his belly and if in the year 2003 when he was being cross examined, he earned Rs. 1400 to 1500 per month can not be termed to be person gainfully employed.

From the copy of muster roll filed by the opposite party I find that the worker was employed @ Rs. 1200 per month fixed pay upto August 1990 thereafter he has been engaged @ Rs. 25 per day + D. A. Thus his earning was reduced. This is clear cut case of exploitation of labour. I do not agree with the opposite party that the worker himself deserted the job instead I find that the worker was removed from service without observing the provision contained in I. D. Act, as provided in Section 25 F of the Act.

Much emphasis have been given to the fact that the worker is not regular. I.D. Act has no distinguishing feature with regard to regular employee or casual employee it is simply laid down the procedure as to how a worker could be retrenched irrespective of the fact whether he is regular or casual employee.

Opposite party has relied upon the case law 2004 (2) Supreme Court service law judgement page 384 Pankaj Gupta and others Vs. State of Jammu and Kashmir and others wherein it is laid down that a person appointed illegally or appointed without following the procedure prescribed under the law can not claim for regularisation. This law is not applicable to the facts of the case because the issue does not refer for regularisation the issue referred to the court is whether the termination of service is just, fair and legal. Under this issue no regularisation can be granted to the workman.

From the evidence on the record I come to the conclusion that there is no delay in filing the dispute before the concerned authorities the worker has not deserted the employer and the employer has terminated the services of the worker without observing the procedure laid down under the I.D. Act and therefore such termination can not be held to be just, fair and legal.

It is pertinent to point out that the worker in his examination-in-chief termed certain administrative orders as appointment letter this is not true there is no pleadings to the effect that the worker was given any appointment letter or any termination letter.

I, therefore, answer the issue in favour of the workman and hold that the termination of Sushil Kr. Saxena w.e.f. 25-3-91 is not just, fair or legal.

The worker was during the period of his disengagement from the service continued to have meagre earning to meet his requirements and looking to the fact that he was daily rated worker there could be no order as to back wages. However, the opposite party is directed to be reinstated in the service within 2 months from the notification of award with continuity in service.

Lucknow

5-8-2005

SHRIKANT SHUKLA, Presiding Officer